

**VOLUME 9**  
**1986 RCW SUPPLEMENT**

---

**1985**  
**REVISED CODE OF WASHINGTON**

---

**Published under authority of chapter 1.08 RCW.**

---

**I. SCOPE OF SUPPLEMENT**

This volume supplements the 1985 edition of The Revised Code of Washington by adding thereto the following materials:

1. All laws of a general and permanent nature enacted in the 1986 regular session (adjourned sine die March 12, 1986) of the forty-ninth legislature.
2. Rules of Court promulgated prior to June 30, 1986.
3. Appropriate supplementation of the various tables and general index.

**II. TABLE OF CONTENTS**

Washington Constitution .....	page	A1
Rules of Court .....	page	A3
Codification Tables .....	page	A21
Table of Disposition of Former RCW Sections .....	page	A29
Titles 1-91 .....	page	1
General Index .....	page	645

**REVISED CODE OF WASHINGTON**  
**1986 Supplement**

---

**© 1986 State of Washington**

---

**CERTIFICATE**

This 1986 supplement of the 1985 edition of the Revised Code of Washington, published officially by the Statute Law Committee, is, in accordance with RCW 1.08.037, certified to comply with the current specifications of the committee.

(signed)  
ROBERT L. CHARETTE, Chairman,  
STATUTE LAW COMMITTEE

# CONSTITUTION OF THE STATE OF WASHINGTON

**Amendment  
No.**

- 75 Art. 29 § 1 May be invested as authorized by law.  
76 Art. 8 § 11 Agricultural commodity assessments—Development, promotion, and hosting.

## AMENDMENT 75

**Art. 29 § 1 MAY BE INVESTED AS AUTHORIZED BY LAW.** Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund or industrial insurance trust fund may be invested as authorized by law. insurance trust fund may be invested as authorized by law. [1985 House Joint Resolution No. 12. Approved November 5, 1985.]

## AMENDMENT 76

Article 8 was amended by adding the following section:

**Art. 8 § 11 AGRICULTURAL COMMODITY ASSESSMENTS—DEVELOPMENT, PROMOTION, AND HOSTING.** The use of agricultural commodity assessments by agricultural commodity commissions in such manner as may be prescribed by the legislature for agricultural development or trade promotion and promotional hosting shall be deemed a public use for a public purpose, and shall not be deemed a gift within the provisions of section 5 of this article. [1985 House Joint Resolution No. 42. Approved November 5, 1985.]



# RULES OF COURT

(From September 1, 1985 to June 30, 1986)

Adopted by the Supreme Court of the State of Washington

Published with the permission of the State Law Reports Office

This 1986 RCW Supplement to the Rules of Court sets forth the revisions to rules adopted by the Supreme Court from September 1, 1985 to June 30, 1986. A list of these orders is set forth below.

Additions and deletions in the amended rules are indicated by underlining and lining out respectively unless the entire rule is new. When only a portion of a rule is affected, only that portion is set forth. See Volume 0 of the 1985 Revised Code of Washington for the original text of the rule.

## Orders of the Supreme Court:

- (1) September 19, 1985, the Supreme Court amended APR 5(d), APR 8(c), APR 8(d), APR 9(a), APR 9(c), RLD 1.1(i), RLD 1.1(j), RLD 13.1, RLD 13.3(a), CR 71(c), and JCR 71(c), to read as set forth below, effective October 11, 1985;
- (2) November 21, 1985, the Supreme Court amended APR 9(e) to read as set forth below, effective October 1, 1985;
- (3) February 18, 1986, the Supreme Court amended RLD 2.4(d), 5.1, 5.7(a), 5.7(d), and 6.7(b), and adopted a new RLD 5.5A, to read as set forth below, effective February 28, 1986;
- (4) February 26, 1986, the Supreme Court amended GR 8.2 to read as set forth below, effective March 14, 1986;
- (5) March 20, 1986, the Supreme Court amended CJC Preamble 1(C) to read as set forth below, effective April 11, 1986;
- (6) April 30, 1986, the Supreme Court amended JTIR 6.2(a) to read as set forth below, effective May 1, 1986;
- (7) May 14, 1986, the Supreme Court amended JTIR 6.2(d) to read as set forth below, effective June 6, 1986;
- (8) June 11, 1986, the Supreme Court adopted new rule CrR 7.8 and amended RAP 5.3(j) and CrR 2.1, 2.2, 2.3, 3.1, 3.2, 3.3(d), 3.3(h), 4.2(f), 4.2(g), 4.3, 4.7, 6.15(b), 6.15(c), 7.1(b), and 7.2(b) to read as set forth below, effective September 1, 1986; and

- (9) June 24, 1986, the Supreme Court amended CAR 21(c) and adopted CAR 26 to read as set forth below, effective July 4, 1986.

## TABLE OF CONTENTS

**Notation of Revisions:** When the full text of each rule is set forth, this is noted by the word "RULE" preceding the rule number, e.g. Rule 10, Rule 12, etc. If only a subpart of the rule is set forth, then the abbreviation used for that set of rules precedes the number of the subpart of the rule, e.g. GR 10(a), APR 12(b)(2)(iii), etc.

### General Rules (GR)

Rule 8.2 Mandatory Qualifying Examination

### Code of Judicial Conduct (CJC)

Preamble 1(C)

### Admission to Practice Rules (APR)

- Rule 5 Recommendation for Admission; Order Admitting to Practice; Payment of Membership Fee; Oath of Attorney; Resident Agent – Revision to Rule 5(d)
- Rule 8 Special Admissions – Revision to Rule 8(c) and (d)
- Rule 9 Legal Interns – Revision to Rule 9(a), (c), and (e)

### Rules for Lawyer Discipline (RLD)

- Rule 1.1 Grounds for Discipline – Revision to Rule 1.1(i) and (j)
- Rule 2.4 Review Committees – Revision to Rule 2.4(d)
- Rule 5.1 Sanctions
- Rule 5.5A Admonition
- Rule 5.7 Costs and Expenses – Revision to Rule 5.7(a) and (d)
- Rule 6.7 Decision of Board – Revision to Rule 6.7(b)
- Rule 13.1 Audit and Investigation of Books and Records
- Rule 13.3 Declaration or Questionnaire – Revision to Rule 13.3(a)

### Court of Appeals Administrative Rules (CAR)

- Rule 21 Transfer of Judges and Cases — Judges Pro Tempore – Revision to Rule 21(c)
- Rule 26 Special Panel of Judges Pro Tempore

### Rules for Appellate Procedure (RAP)

- Rule 5.3 Content of Notice — Filing – Revision to Rule 5.3(j)

### Superior Court Civil Rules (CR)

- Rule 71 Withdrawal by attorney – Revision to Rule 71(c)

## Rules of Court

### Superior Court Criminal Rules (CrR)

- Rule 2.1 The Indictment and the Information
- Rule 2.2 Warrant of Arrest and Summons
- Rule 2.3 Search and Seizure
- Rule 3.1 Right to and Assignment of Counsel
- Rule 3.2 Release of Accused
- Rule 3.3 Time for Trial – Revision to Rule 3.3(d) and (h)
- Rule 4.2 Pleas – Revision to Rule 4.2(f) and (g)
- Rule 4.3 Joinder of Offenses and Defendants
- Rule 4.7 Discovery
- Rule 6.15 Instructions and Argument – Revision to Rule 6.15(b) and (c)
- Rule 7.1 Procedures before Sentencing – Revision to Rule 7.1(b)
- Rule 7.2 Sentencing – Revision to Rule 7.2(b)
- Rule 7.8 Relief from Judgment or Order

### Justice Court Civil Rules (JCR)

- Rule 71 Withdrawal by Attorney – Revision to Rule 71(c)

### Justice Court Traffic Infraction Rules (JTIR)

- Rule 6.2 Monetary Penalty Schedule – Revision to Rule 6.2(a) and (d)

## GENERAL RULES (GR)

### Table of Rules

- Rule 8.2 Mandatory Qualifying Examination

### RULE 8.2

#### MANDATORY QUALIFYING EXAMINATION

Every lay candidate for a judicial officer position shall, before initial appointment or election, pass the qualifying examination prepared in accordance with this rule. Reexamination will not be required unless a break in judicial service for 1 year or greater should occur.

## CODE OF JUDICIAL CONDUCT (CJC)

### Table of Rules

- Preamble 1(C)

### PREAMBLE 1(C)

~~(C) Retired Judge. If a retired appellate court judge engages in the practice of law, he shall be ineligible to serve as a judge pro tempore of an appellate court.~~

## ADMISSION TO PRACTICE RULES (APR)

### Table of Rules

- Rule 5 Recommendation for Admission; Order Admitting to Practice; Payment of Membership Fee; Oath of Attorney; Resident Agent – Revision to Rule 5(d)
- Rule 8 Special Admissions – Revision to Rule 8(c) and (d)
- Rule 9 Legal Interns – Revision to Rule 9(a), (c), and (e)

### APR 5(d)

(d) Contents of Oath. The oath which all applicants shall take is as follows:

#### OATH OF ATTORNEY

State of Washington, County of \_\_\_\_\_, ss.  
I, \_\_\_\_\_, do solemnly declare:

1. I am fully subject to the laws of the State of Washington and the laws of the United States and will abide by the same.

2. I will support the constitution of the State of Washington and the constitution of the United States.

3. I will abide by the ~~Code of Professional Responsibility~~ Rules of Professional Conduct approved by the Supreme Court of the State of Washington.

4. I will maintain the respect due to the courts of justice and judicial officers.

5. I will not counsel, or maintain any suit, or proceeding, which shall appear to me to be unjust, or any defense except as I believe to be honestly debatable under the law, unless it is in defense of a person charged with a public offense. I will employ for the purpose of maintaining the causes confided to me only those means consistent with truth and honor. I will never seek to mislead the judge or jury by any artifice or false statement.

6. I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with the business of my client unless this compensation is from or with the knowledge and approval of the client or with the approval of the court.

7. I will abstain from all offensive personalities, and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged.

8. I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay unjustly the cause of any person.

\_\_\_\_\_  
(signature)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Judge

### APR 8(c)

(c) **Exception for Indigent Representation.** A member in good standing of the Bar of another state or territory of the United States or of the District of Columbia, who is eligible to take the bar examination in this state, while rendering service in either a bar association or governmentally sponsored legal services organization or in a public defender's office or similar program providing legal services to indigents and only in that capacity, may, upon application and approval, practice law and appear as a lawyer before the courts of this state in any matter, litigation, or administrative proceeding, subject to the following conditions and limitations:

(1) Application to practice under this rule shall be made to the Board of Governors, and the applicant shall be subject to the Rules for Lawyer Discipline and to the Code of Professional Responsibility Rules of Professional Conduct.

(2) In any such matter, litigation, or administrative proceeding, the applicant shall be associated with an active member of the Bar Association, who shall be the lawyer of record and responsible for the conduct of the matter, litigation, or administrative proceeding.

(3) The applicant shall apply for and take the first bar examination which is given more than 90 days after the date of the applicant's admission to practice under this rule.

(4) The applicant's right to practice under this rule (i) may be terminated by the Supreme Court at any time with or without cause, or (ii) shall be terminated automatically for failure to take or pass the required bar examination, or (iii) shall be terminated for failure to become an active member of the Bar Association within

60 days of the date the bar examination results are made public, or (iv) in any event, shall be terminated within 1 year from the original date of the applicant's admission to practice law in this state under this rule.

**APR 8(d)**

**(d) Exception for Educational Purposes.** A lawyer who is enrolled and in good standing as a postgraduate student or as a faculty member in a program of an approved law school in this state, involving clinical work in the courts or in the practice of law, may apply to the Board of Governors for admission to the limited practice of law by paying an investigation fee and by presenting satisfactory proof of (i) admission to the practice of law and current good standing in any state or territory of the United States or the District of Columbia, and (ii) compliance with the requirements of rule 3(b)(1), and (iii) good moral character.

(1) Upon approval of the application by the Board of Governors, the applicant shall take the Oath of Attorney, and the Board of Governors shall transmit its recommendation to the Supreme Court which shall enter an order admitting the applicant to the limited practice of law under this section.

(2) The practice of an applicant admitted under this section shall be (i) limited to the period of time the applicant actively participates in the program, (ii) limited to the clinical work of the particular course of study in which the applicant is enrolled or teaching, (iii) free of charge for the services so rendered, and (iv) subject to the Code of Professional Responsibility Rules of Professional Conduct and the Rules for Lawyer Discipline.

(3) An applicant admitted under this section shall be deemed an active member of the Bar Association only for the purpose of serving as a supervising lawyer under rule 9, and for no other purpose.

(4) When the applicant ceases actively to participate in the program, the law school dean shall immediately notify the Bar Association and the Clerk of the Supreme Court so that the applicant's right to practice may be terminated of record.

**APR 9(a)**

**(a) Admission to Limited Practice.** Qualified law students, enrolled law clerks, and graduates of approved law schools may be admitted to the status of legal intern and be granted a limited license to engage in the practice of law only as provided in this rule. To qualify, an applicant must:

(1) Be a student duly enrolled and in good academic standing at an approved law school with legal studies completed amounting to not less than two-thirds of a prescribed 3-year course of study or five-eighths of a prescribed 4-year course of study, and have the written approval of the applicant's law school dean or a person designated by such dean; or

(2) Be an enrolled law clerk in compliance with the provisions of rule 6 with not less than three-fourths of

the prescribed 4-year course of study completed, and have the written approval of the tutor; or

(3) Make the application before the expiration of 9 months following graduation from an approved law school, and submit satisfactory evidence thereof to the Bar Association; and

(4) Certify in writing under oath that the applicant has read, is familiar with, and will abide by, the Code of Professional Responsibility Rules of Professional Conduct and this rule.

**APR 9(c)**

**(c) Scope of Practice.** A legal intern shall be authorized to engage in the limited practice of law, in civil and criminal matters, only as authorized by the provisions of this rule. A legal intern shall be subject to the Code of Professional Responsibility Rules of Professional Conduct and the Rules for Lawyer Discipline as adopted by the Supreme Court and to all other laws and rules governing lawyers admitted to the Bar of this state, and shall be personally responsible for all services performed as an intern. Upon recommendation of the Disciplinary Board, a legal intern may be precluded from sitting for the bar examination or from being admitted as a member of the Bar Association within the discretion of the Board of Governors. Any such intern barred from the bar examination or from recommendation for admission by the Board of Governors shall have the usual rights of appeal to the Supreme Court.

(1) A judge may exclude a legal intern from active participation in a case filed with the court in the interest of orderly administration of justice or for the protection of a litigant or witness, and shall thereupon grant a continuance to secure the attendance of the supervising lawyer.

(2) No legal intern may receive payment from a client for the intern's services. However, nothing contained herein shall prevent a legal intern from being paid for services by the intern's employer or to prevent the employer from making such charges for the service of the legal intern as may otherwise be proper. A legal intern and the intern's supervising lawyer or a lawyer from the same office shall, before the intern undertakes to perform any services for a client, inform the client of the legal intern's status.

(3) A legal intern may advise or negotiate on behalf of a person referred to the intern by the supervising lawyer. A legal intern may prepare necessary pleadings, motions, briefs or other documents. It is not necessary in such instances for the supervising lawyer to be present.

(4) A legal intern may participate in superior court and Court of Appeals proceedings, including depositions, provided the supervising lawyer or another lawyer from the same office is present. Ex parte and agreed orders may be presented to the court by a legal intern without the presence of the supervising lawyer or another lawyer from the same office. An intern may represent the State in juvenile court in misdemeanor and gross misdemeanor

cases without in-court supervision after a reasonable period of in-court supervision, which shall not be less than one trial.

(5) Except as otherwise provided in subsection (c)(6), in courts of limited jurisdiction, a legal intern, only after participating with the supervising lawyer in at least one nonjury case, may try nonjury cases in such courts without the presence of a supervising lawyer and, only after participating with the supervising lawyer in at least one jury case, may try jury cases in such courts without the presence of a supervising lawyer.

(6) Either the supervising lawyer or a lawyer from the same office shall be present in the representation of a defendant in all preliminary criminal hearings.

#### APR 9(e)

(e) **Term of Limited License.** A limited license as a legal intern shall be valid, unless revoked, for a period of not more than 24 consecutive months, ~~provided that a person who fails the bar examination shall not continue to serve or to be eligible to become a legal intern after the date the bar examination results are made public, and provided further~~ that a person shall not serve as a legal intern more than 12 months after graduation from law school:

(1) The approval given to a law student by the law school dean or the dean's designee or to a law clerk by the tutor may be withdrawn at any time by mailing notice to that effect to the Clerk of the Supreme Court and to the Bar Association, and shall be withdrawn if the student ceases to be duly enrolled as a student prior to graduation or ceases to be in good academic standing or if the law clerk ceases to comply with rule 6.

(2) A limited license is granted at the sufferance of the Supreme Court and may be revoked at any time upon the court's own motion, or upon the motion of the Board of Governors, in either case with or without cause.

(3) An intern shall immediately cease performing any services under this rule and shall cease holding himself or herself out as a legal intern (i) upon termination for any reason of the intern's limited license under this rule; or (ii) upon the resignation of the intern's supervising lawyer; or (iii) upon the suspension or termination by the Board of Governors of the supervising lawyer's status as supervising lawyer; or (iv) upon the withdrawal of approval of the intern pursuant to this rule.

### RULES FOR LAWYER DISCIPLINE (RLD)

#### Table of Rules

Rule 1.1	Grounds for Discipline – Revision to Rule 1.1(i) and (j)
Rule 2.4	Review Committees – Revision to Rule 2.4(d)
Rule 5.1	Sanctions
Rule 5.5A	Admonition
Rule 5.7	Costs and Expenses – Revision to Rule 5.7(a) and (d)
Rule 6.7	Decision of Board – Revision to Rule 6.7(b)
Rule 13.1	Audit and Investigation of Books and Records
Rule 13.3	Declaration or Questionnaire – Revision to Rule 13.3(a)

#### RLD 1.1(i)

(i) Violation of the ~~Code of Professional Responsibility~~ Rules of Professional Conduct of the profession adopted by the Supreme Court of the State of Washington;

#### RLD 1.1(j)

(j) Violation of duties imposed by these rules, including but not limited to violation of rule 2.8, failing to respond to inquiries or requests regarding matters under investigation; rule 4.5, failing to file an answer to a formal complaint; rule 4.6(c), failing to file an answer to an amendment to a formal complaint; rule 4.7(e), failing to cooperate with discovery; rule 4.10(g), failing to attend a hearing or failing to bring materials requested by state bar counsel; rule 5.5(b), failing to appear to receive a reprimand; rule 8.1, failing to notify clients and others of inability to act; rule 8.2, failing to discontinue practice; rule 8.3, failing to file an affidavit of compliance; rule 11.1(1), wrongful disclosure; rule 13.2, failing to cooperate with an examination of books and records; rule 13.3, failing to file a declaration or questionnaire certifying compliance with ~~CPR DR 9-102~~ RPC 1.14;

#### RLD 2.4(d)

(d) **Authority of Review Committees.** Each review committee shall have the power and authority to:

(1) Review reports on investigations of alleged acts of misconduct by a lawyer, and upon such review order a hearing on the alleged misconduct, issue an admonition, dismiss the matter, issue an advisory letter, or direct such further investigation as may appear appropriate;

(2) Order that an investigation into an alleged act of misconduct by a lawyer be deferred when it appears that the allegations are substantially similar to those in pending civil or criminal litigation, or when the lawyer complained against is physically or mentally unable to respond to the investigation, or for other good cause, where it appears that such deferral will not endanger the public;

(3) Review reports on investigations into allegations that a lawyer is mentally or physically unable to conduct the practice of law, and upon such review order a hearing into the capacity of the lawyer to conduct the practice of law, dismiss the matter, or direct such further investigation as may appear appropriate;

(4) Reconsider complaints conditionally dismissed by state bar counsel, when the complainant has disputed the dismissal and the complaint has not been reopened, and upon such reconsideration affirm the dismissal, order a hearing on the alleged misconduct, issue an advisory letter, or direct such further investigation as may appear appropriate;

(5) Review stipulations entered into pursuant to rule 4.14, other than stipulations for suspension or disbarment, and approve or reject such stipulations;

(6) Make determinations of whether a crime is a "serious crime" under rule 3.1 and authorize proceedings



for suspension of a lawyer upon finding of risk to the public pursuant to rule 3.2(a);

(7) Perform such other functions and take such other actions as provided in these rules or as may be delegated to it by the Disciplinary Board or the Board of Governors, or as may be necessary and proper to carry out its duties.

#### RULE 5.1

##### SANCTIONS

Upon a finding that a lawyer has committed an act of misconduct, one or more of the following sanctions, or an admonition pursuant to rule 5.5A, may be imposed:

- (a) Disbarment;
- (b) Suspension from the practice of law for an appropriate fixed period of time not exceeding 2 years;
- (c) Reprimand;
- (d) Censure;
- (e) Cumulative disciplinary suspension pursuant to rule 5.4.

#### RULE 5.5A

##### ADMONITION

(a) **Grounds.** An admonition may be issued by a review committee when investigation of a complaint shows misconduct involving inattention, neglect or lack of competence in handling a matter.

(b) **Effect.** An admonition shall be admissible in evidence in subsequent discipline or disability proceedings involving the lawyer. File materials relating to an investigation concluded with an admonition shall be subject to destruction as provided in rule 12.8(b).

(c) **Protest.** A lawyer wishing to protest the issuance of an admonition must file a notice to that effect with the Association within 30 days of service of the admonition. Upon receipt of a timely protest, the admonition is rescinded, and the complaint shall be considered to have been ordered to hearing by the review committee issuing the admonition.

(d) **Action on Board Review.** After a hearing on the protest relating to the issuance of the admonition, and upon appeal pursuant to rule 6.1(b), the Board may dismiss, issue an admonition, or impose sanctions pursuant to rule 5.1.

(e) **Admonition Not Public.** An admonition shall not be a public matter, unless admitted into evidence in a public disciplinary proceeding, or issued by the Board after a hearing under section (d).

#### RLD 5.7(a)

(a) **Assessment.** In all cases in which a sanction or admonition is imposed upon a lawyer following a hearing and a finding of misconduct, costs and expenses as herein defined may be assessed against the lawyer in favor of the Association.

#### RLD 5.7(d)

(d) **Association To File Statement of Costs and Expenses.** When the decision of a hearing officer or panel imposing a sanction becomes final without Board review, or when a decision of the Board imposing a sanction or an admonition is served on the respondent lawyer after Board review, the Association shall have 10 days in which to file a statement of costs and expenses in the office of the Association.

(1) **Content.** A statement of costs and expenses shall state with particularity the nature and amount of the costs claimed and shall state the expenses requested. The statement shall be signed by state bar counsel, which signature shall constitute a certification that all reasonable attempts have been made to insure the accuracy of the statement.

(2) **Exceptions.** The respondent lawyer shall have 10 days from service of the statement of costs and expenses on him or her to file exceptions in the office of the Association.

#### RLD 6.7(b)

(b) **Participation by Hearing Officer.** A member of the Board who sat as hearing officer or as a member of a hearing panel, or who sat as a member of a review committee which issued a lawyer an admonition on a matter, shall not be present during the review of that matter by the Board.

#### RULE 13.1

##### AUDIT AND INVESTIGATION OF BOOKS AND RECORDS

The Board and its chairperson shall have the following authority to examine, investigate and audit the books and records of any lawyer for the purpose of ascertaining and reporting whether ~~CPR DR 9-102~~ RPC 1.14 has been or is being complied with by such lawyer:

(a) **Random Examination.** The Board may from time to time authorize examinations of the books and records of any lawyer or firm of lawyers selected at random. Such examinations shall extend only to the books and records of such lawyer or firm of lawyers.

(b) **Particular Examination.** The chairperson of the Board may, upon receipt of information that a particular lawyer or firm of lawyers may not be in compliance with ~~CPR DR 9-102~~ RPC 1.14, authorize an examination limited to the scope set forth in section (a). Such information may be presented to the chairperson without notice to the lawyer or firm of lawyers.

(c) **Audit.** Upon the examination set forth in section (a) or (b), if the chairperson of the Board shall determine that further examination is warranted, the chairperson may then order an appropriate audit of the lawyer's or the firm's books and records, including verification of the information therein from available sources.

## RLD 13.3(a)

(a) **Questionnaire.** The Association shall cause to be directed annually to each active lawyer a written declaration or questionnaire designed to determine whether such lawyer is complying with ~~CPR DR 9-102~~ RPC 1.14. Such declaration or questionnaire shall be completed, executed and delivered by such lawyer to the Association on or before the date of delivery specified in such declaration or questionnaire.

**COURT OF APPEALS ADMINISTRATIVE RULES  
(CAR)**

*Table of Rules*

Rule 21	Transfer of Judges and Cases — Judges Pro Tempore – Revision to Rule 21(c)
Rule 26	Special Panel of Judges Pro Tempore

## CAR 21(c)

(c) **Judges Pro Tempore.** When a member of the court is disqualified or unable to function on a case for good cause, or whenever necessary for the prompt and orderly administration of justice, the Chief Judge of any division may by written order designate an active or retired judge of a court of general jurisdiction, or any active or retired justice of the Supreme Court or judge of the Court of Appeals as a judge pro tempore to sit with the court to hear and determine ~~the case one or more cases~~. The designating order shall set forth the period of service.

## RULE 26

## SPECIAL PANEL OF JUDGES PRO TEMPORE

(a) **Purpose.** As a result of the high number of appeals filed with the court in recent years which have created an excessive case backlog, special panels of the Court of Appeals will be created as provided for in these emergency rules for the purpose of reducing case backlogs to acceptable levels.

(b) **Generally.** When it is determined by a majority of the judges in any division that the assistance of pro tempore judges is necessary to relieve excessive case backlog, the Chief Judge of any division may by written order appoint as judges pro tempore active or retired justices of the Supreme Court or judges of the Court of Appeals or active or retired judges of the superior court or any attorney at law in this state meeting the qualifications hereinafter stated.

(c) **Attorney Qualification and Compensation.** To be qualified for appointment, attorneys at law must be members of the Washington State Bar Association in good standing and have at least 6 years' experience in the active practice of law with substantial litigation experience. Attorneys at law will not be compensated for their services as judges pro tempore, but travel expenses will be reimbursed at rates approved by the Administrator for the Courts.

(d) **Conditions of Appointment.** Attorneys at law will not be used as judges pro tempore when active or retired judges are available in sufficient numbers to support a 3-judge panel sitting 1 day each week. Attorneys at law will be used as judges pro tempore only upon stipulation by all parties in the case, and no more than one attorney shall sit as a judge pro tempore on a panel. All parties shall receive written notice of the intent to use an attorney as a judge pro tempore and shall have at least 10 days from the receipt of said notice for filing written objection to the use of said attorney as a judge pro tempore. Failure to file a written objection to the attorney pro tempore within the 10-day period will be deemed a stipulation approving the use of said attorney as a judge pro tempore in said case.

In the event an objection to an attorney pro tempore is made, the case shall be removed from the special calendar and returned to its place on the regular hearing calendar.

(e) **Termination.** Authority extended under this rule will automatically terminate 12 months from date of adoption or on July 1, 1987, whichever is later, except for cases under consideration on the termination date.

## RULES FOR APPELLATE PROCEDURE (RAP)

*Table of Rules*

Rule 5.3	Content of Notice — Filing – Revision to Rule 5.3(j)
----------	--

## RAP 5.3(j)

(j) **Assistance to Defendant in Criminal Case.** The trial court clerk shall, if requested by a defendant in a criminal case in open court or in writing, file supply a notice of appeal form or a notice for discretionary review on the defendant's behalf; form and file it upon completion by the defendant.

## SUPERIOR COURT CIVIL RULES (CR)

*Table of Rules*

Rule 71	Withdrawal by attorney – Revision to Rule 71(c)
---------	---

## CR 71(c)

(c) **Withdrawal by Notice.** Except as provided in sections (b) and (d), an attorney may withdraw by notice in the manner provided in this section.

(1) **Notice of Intent To Withdraw.** The attorney shall file and serve a Notice of Intent To Withdraw on all other parties in the proceeding. The notice shall specify a date when the attorney intends to withdraw, which date shall be at least 10 days after the service of the Notice of Intent To Withdraw. The notice shall include a statement that the withdrawal shall be effective without order of court unless an objection to the withdrawal is served upon the withdrawing attorney prior to the date set forth in the notice. If notice is given before trial, the notice shall include the date set for trial. The notice shall include the names and last known addresses of the persons represented by the withdrawing attorney, unless

disclosure of the address would violate the ~~Code of Professional Responsibility~~ Rules of Professional Conduct, in which case the address may be omitted. If the address is omitted, the notice must contain a statement that after the attorney withdraws, and so long as the address of the withdrawing attorney's client remains undisclosed and no new attorney is substituted, the client may be served by leaving papers with the clerk of the court pursuant to rule 5(b)(1).

(2) *Service on Client.* Prior to service on other parties, the Notice of Intent To Withdraw shall be served on the persons represented by the withdrawing attorney or sent to them by certified mail, postage prepaid, to their last known mailing addresses. Proof of service or mailing shall be filed, except that the address of the withdrawing attorney's client may be omitted under circumstances defined by subsection (c)(1) of this rule.

(3) *Withdrawal Without Objection.* The withdrawal shall be effective, without order of court and without the service and filing of any additional papers, on the date designated in the Notice of Intent To Withdraw, unless a written objection to the withdrawal is served by a party on the withdrawing attorney prior to the date specified as the day of withdrawal in the Notice of Intent To Withdraw.

(4) *Effect of Objection.* If a timely written objection is served, withdrawal may be obtained only by order of the court.

## SUPERIOR COURT CRIMINAL RULES (CrR)

### Table of Rules

Rule 2.1	The Indictment and the Information
Rule 2.2	Warrant of Arrest and Summons
Rule 2.3	Search and Seizure
Rule 3.1	Right to and Assignment of Counsel
Rule 3.2	Release of Accused
Rule 3.3	Time for Trial – Revision to Rule 3.3(d) and (h)
Rule 4.2	Pleas – Revision to Rule 4.2(f) and (g)
Rule 4.3	Joinder of Offenses and Defendants
Rule 4.7	Discovery
Rule 6.15	Instructions and Argument – Revision to Rule 6.15(b) and (c)
Rule 7.1	Procedures before Sentencing – Revision to Rule 7.1(b)
Rule 7.2	Sentencing – Revision to Rule 7.2(b)
Rule 7.8	Relief from Judgment or Order

### RULE 2.1

#### THE INDICTMENT AND THE INFORMATION

(a) *Use of Indictment or Information.* The initial pleading by the State shall be an indictment or an information in all criminal proceedings filed by the prosecuting attorney.

(b) *Nature and Contents.* The indictment or the information shall be a plain, concise and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney. Allegations made in one count may be incorporated by reference in another count. It may be alleged that the means by which the defendant committed the offense are unknown or that ~~he~~ the defendant committed it by

one or more specified means. The indictment or information shall state for each count the official or customary citation of the statute, rule, regulation or other provision of law which the defendant is alleged therein to have violated. Error in the citation or its omission shall not be ground for dismissal of the indictment or information or for reversal of a conviction if the error or omission did not mislead the defendant to ~~his~~ the defendant's prejudice.

(c) *Surplusage.* The court on motion of the defendant may strike surplusage from the indictment or information.

(d) *Bill of Particulars.* The court may direct the filing of a bill of particulars. A motion for a bill of particulars may be made before arraignment or within 10 days after arraignment or at such later time as the court may permit.

~~(d)(e)~~ *Amendment of Information.* The court may permit any information or bill of particulars to be amended at any time before verdict or finding if substantial rights of the defendant are not prejudiced.

~~(e)~~ *Bill of Particulars.* The court may direct the filing of a bill of particulars. A motion for a bill of particulars may be made before arraignment or within 10 days after arraignment or at such later time as the court may permit. A bill of particulars may be amended at any time subject to such conditions as justice requires.

(f) *Defendant's Criminal History.* Upon the filing of an indictment or information charging a felony, the prosecuting attorney shall request a copy of the defendant's criminal history, as defined in RCW 9.94A.030, from the Washington State Patrol Identification and Criminal History Section.

### RULE 2.2

#### WARRANT OF ARREST AND SUMMONS

(a) *Warrant of Arrest.* If an indictment is found or an information is filed, the court may direct the clerk to issue a warrant for the arrest of the defendant. Before ruling on a request for a warrant the court may require the complainant to appear personally and may examine under oath the complainant and any witnesses the complainant may produce. A warrant of arrest must be supported by an affidavit or affidavits or sworn testimony establishing the grounds for issuing the warrant, which Sworn testimony shall be recorded electronically or stenographically. The court must determine that there is probable cause for the issuance of before issuing the warrant. The finding of probable cause may be based on evidence which is hearsay in whole or in part, subject to constitutional limitations.

(b) *Issuance of Summons in Lieu of Warrant.*

(1) *Generally.* If an indictment is found or an information is filed, the court may direct the clerk to issue a summons commanding the defendant to appear before the court at a specified time and place.

(2) *When Summons Must Issue.* If the indictment or information charges only the commission of a misdemeanor or a gross misdemeanor, the court shall direct the clerk to issue a summons instead of a warrant unless

it finds reasonable cause to believe that the defendant will not appear in response to a summons, or that arrest is necessary to prevent ~~serious~~ bodily harm to the accused or another, in which case it may issue a warrant.

(3) *Summons*. A summons shall be in writing and in the name of the State of Washington, shall be signed by the clerk with the title of ~~his~~ the office, and shall state the date when issued and the county where issued. It shall state the name of the defendant and shall summon the defendant to appear before the court at a stated time and place.

(4) *Failure To Appear on Summons*. If a person fails to appear in response to a summons, or if service is not effected within a reasonable time, a warrant for arrest may issue.

(c) *Requisites of a Warrant*. The warrant shall be in writing and in the name of the State of Washington, shall be signed by the clerk with the title of ~~his~~ the office, and shall state the date when issued and the county where issued. It shall specify the name of the defendant, or if ~~his~~ the defendant's name is unknown, any name or description by which ~~he~~ the defendant can be identified with reasonable certainty. The warrant shall specify the offense charged against the defendant and that the court has found that probable cause exists to believe the defendant has committed the offense charged and shall command that the defendant be arrested and brought forthwith before the court issuing the warrant. If the offense is bailable, the judge shall set forth in the order for the warrant, bail, or other conditions of release.

**(d) Execution; Service.**

(1) *Execution of Warrant*. The warrant shall be directed to all peace officers in the state and shall be executed only by a peace officer.

(2) *Service of Summons*. The summons may be served any place within the state. It shall be served by a peace officer who shall deliver a copy of the same to the defendant personally, or it may be served by mailing the same, postage prepaid, to the defendant at ~~his~~ the defendant's address.

(e) *Return*. The officer executing a warrant shall make return ~~thereof~~ to the court before whom the defendant is brought pursuant to these rules. At the request of the prosecuting attorney any unexecuted warrant shall be returned to the ~~judge by whom issued and shall~~ issuing court to be canceled by him. The person to whom a summons has been delivered for service shall, on or before the return date, file a return ~~thereof~~ with the ~~judge~~ court before ~~whom which~~ the summons is returnable. For reasonable cause, the ~~judge~~ court may order that the warrant be returned to ~~him~~ it.

**(f) Defective Warrant or Summons.**

(1) *Amendment*. No person arrested under a warrant or appearing in response to a summons shall be discharged from custody or dismissed because of any irregularity in the warrant or summons, but the warrant or summons may be amended so as to remedy any such irregularity.

(2) *Issuance of New Warrant or Summons*. If during the preliminary examination of any person arrested under a warrant or appearing in response to a summons, it

appears that the warrant or summons does not properly name or describe the defendant or the offense with which ~~he~~ the defendant is charged, or that although not guilty of the offense specified in the warrant or summons, there is reasonable ground to believe that ~~he~~ the defendant is guilty of some other offense, the judge shall not discharge or dismiss the defendant but may allow a new indictment or information to be filed and shall thereupon issue a new warrant or summons.

**RULE 2.3**

**SEARCH AND SEIZURE**

(a) *Authority To Issue Warrant*. A search warrant authorized by this rule may be issued by the court upon request of a peace officer or a prosecuting attorney.

(b) *Property or Persons Which May Be Seized With a Warrant*. A warrant may be issued under this rule to search for and seize any (1) evidence of a crime; or (2) contraband, the fruits of crime, or things otherwise criminally possessed; or (3) weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or (4) person for whose arrest there is probable cause, or who is unlawfully restrained.

(c) *Issuance and Contents*. A search warrant may be issued only if the court determines there is probable cause for the issuance of a warrant. There must be an affidavit or affidavits or sworn testimony establishing the grounds for issuing the warrant. The sworn testimony may be an electronically recorded telephonic statement. The recording or a duplication of the recording shall be a part of the court record and shall be transcribed if requested by a party if there is a challenge to the validity of the warrant or if ordered by the court. The finding of probable cause may be based on evidence which is hearsay in whole or in part, subject to constitutional limitations. If the court finds that probable cause for the issuance of a warrant exists, it shall issue a warrant or direct an individual whom it authorizes for such purpose to affix the court's signature to a warrant identifying the property or person and naming or describing the person, place or thing to be searched. The ~~judge~~ court shall record a summary of any additional evidence on which ~~he~~ it relies. The warrant shall be directed to any peace officer. It shall command the officer to search, within a specified period of time not to exceed 10 days, the person, place, or thing named for the property or person specified. It shall designate to whom it shall be returned. The warrant may be served at any time.

(d) *Execution and Return With Inventory*. The peace officer taking property under the warrant shall give to the person from whom or from whose premises the property is taken a copy of the warrant and a receipt for the property taken. If no such person is present, the officer may post a copy of the search warrant and receipt. The return shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person from whose possession or premises the property is taken, or in the presence of at least one person other than the

officer. The ~~judge~~ court shall upon request deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(e) **Motion for Return of Property.** A person aggrieved by an unlawful search and seizure may move the court for the return of the property on the ground that the property was illegally seized and that ~~he~~ the person is lawfully entitled to possession thereof. If the motion is granted the property shall be returned. If a motion for return of property is made or comes on for hearing after an indictment or information is filed in the court in which the motion is pending, it shall be treated as a motion to suppress.

**(f) Searches of Media.**

(1) *Scope.* If an application for a search warrant is governed by RCW 10.79.015(3) or 42 U.S.C. §§ 2000aa et seq., this section controls the procedure for obtaining the evidence.

(2) *Subpoena Duces Tecum.* Except as provided in subsection (3), if the court determines that the application satisfies the requirements for issuance of a warrant, as provided in section (c) of this rule, the court shall issue a subpoena duces tecum in accordance with CR 45(b).

(3) *Warrant.* If the court determines that the application satisfies the requirements for issuance of a warrant and that RCW 10.79.015(3) and 42 U.S.C. §§ 2000aa et seq. permit issuance of a search warrant rather than a subpoena duces tecum, the court may issue a warrant.

### RULE 3.1

#### RIGHT TO AND ASSIGNMENT OF COUNSEL

(a) **Types of Proceedings.** The right to counsel shall extend to all criminal proceedings for offenses punishable by loss of liberty regardless of their denomination as felonies, misdemeanors, or otherwise.

**(b) Stage of Proceedings.**

(1) The right to counsel shall accrue as soon as feasible after the defendant is taken into custody, ~~when he~~ appears before a committing magistrate, or ~~when he~~ is formally charged, whichever occurs earliest.

(2) Counsel shall be provided at every stage of the proceedings, including sentencing, appeal, and post-conviction review. Counsel initially appointed shall continue to represent the defendant through all stages of the proceedings unless a new appointment is made by the court following withdrawal of original counsel pursuant to section (e) because geographical considerations or other factors make it necessary.

**(c) Explaining the Availability of a Lawyer.**

(1) When a person is taken into custody ~~he~~ that person shall immediately be advised of ~~his~~ the right to counsel. Such advice shall be made in words easily understood, and it shall be stated expressly that a person who is unable to pay a lawyer is entitled to have one provided without charge.

(2) At the earliest opportunity a person in custody who desires counsel shall be provided access to a telephone, the telephone number of the public defender or

official responsible for assigning counsel, and any other means necessary to place ~~him~~ the person in communication with a lawyer.

**(d) Assignment of Counsel.**

(1) Unless waived, counsel shall be provided to any person who is financially unable to obtain one without causing substantial hardship to ~~himself~~ the person or ~~his~~ to the person's family. Counsel shall not be denied to any person merely because ~~his~~ the person's friends or relatives have resources adequate to retain counsel or because ~~he~~ the person has posted or is capable of posting bond.

(2) The ability to pay part of the cost of counsel shall not preclude assignment. The assignment of counsel may be conditioned upon part payment pursuant to an established method of collection.

(3) Information given by a person to assist in the determination of whether the person is financially able to obtain counsel shall be under oath and shall not be available for use by the prosecution in the pending case in chief.

(e) **Withdrawal of Attorneys.** Whenever a criminal cause has been set for trial, no attorney shall be allowed to withdraw from said cause, except upon written consent of the court, for good and sufficient reason shown.

**(f) Services Other Than Counsel.**

(1) Counsel for a defendant who is financially unable to obtain investigative, expert, or other services necessary to an adequate defense in ~~his~~ the case may request them by a motion to the court.

(2) Upon finding that the services are necessary and that the defendant is financially unable to obtain them, the court, or a person or agency to whom the administration of the program may have been delegated by local court rule, shall authorize counsel to obtain the services on behalf of the defendant. The courts, in the interest of justice and on a finding that timely procurement of necessary services could not await prior authorization, shall ratify such services after they have been obtained.

(3) ~~The court shall determine~~ Reasonable compensation for the services shall be determined and direct payment directed to the organization or person who rendered them upon the filing of a claim for compensation supported by affidavit specifying the time expended and the services; and expenses incurred on behalf of the defendant, and the compensation received in the same case or for the same services from any other source.

### RULE 3.2

#### RELEASE OF ACCUSED

(a) **Release in Noncapital Cases.** Any person, other than a person charged with a capital offense, shall at ~~his~~ the preliminary appearance or reappearance pursuant to rule 3.2A or JCrR 2.03 be ordered released on ~~his~~ the accused's personal recognizance pending trial unless the court determines that such recognizance will not reasonably assure ~~his~~ the accused's appearance, when required, or if there is shown a likely danger that the accused will commit a violent crime, or that the accused will seek to intimidate witnesses, or otherwise unlawfully interfere

with the administration of justice. If the court finds that release without bail should be denied or that conditions should attach to the release on personal recognizance, other than the promise to appear for trial, the court shall proceed to determine whether probable cause exists to believe that the accused committed the offense charged, unless this determination has previously been made by a court. Before making the determination, the court may consider an affidavit or affidavits filed or sworn testimony and further may examine under oath the affiant and any witnesses ~~he~~ the affiant may produce. The court shall impose the least restrictive of the following conditions that will reasonably assure that the accused's appearance accused will be present for later hearings, will not significantly interfere with the administration of justice and not pose a substantial danger to others or the community or, if no single condition gives that assurance, any combination of the following conditions:

(1) Place the accused in the custody of a designated person or organization agreeing to supervise him the accused;

(2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;

(3) Require the execution of an unsecured appearance bond in a specified amount;

(4) Require the execution of an appearance a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release;

(5) Require the execution of an appearance a bond with sufficient solvent sureties, or the deposit of cash in lieu thereof;

(6) Require the accused to return to custody during specified hours; or

(7) Impose any condition other than detention deemed reasonably necessary to assure appearance as required, assure noninterference with the trial and reduce danger to others or the community.

**(b) Relevant Factors.** In determining which conditions of release will reasonably assure the accused's appearance; and noninterference with the administration of justice, and reduce danger to others or the community, the court shall, on the available information, consider the relevant facts including: the length and character of the accused's residence in the community; his the accused's employment status and history and financial condition; his the accused's family ties and relationships; his the accused's reputation, character and mental condition; his the accused's history of response to legal process; his prior the accused's criminal record; the willingness of responsible members of the community to vouch for the accused's reliability and assist him the accused in appearing in court complying with conditions of release; the nature of the charge; and any other factors indicating the accused's ties to the community; the accused's past record of threats to victims or witnesses or

interference with witnesses or the administration of justice; whether or not there is evidence of present threats or intimidation directed to witnesses; the accused's past record of committing offenses while on pretrial release, probation or parole; the accused's past record of use of or threatened use of deadly weapons or firearms, especially to victims or witnesses.

**(c) Conditions of Release.** Upon a showing that there exists a substantial danger that the accused will commit a serious crime or that ~~he~~ the accused will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, the court, ~~upon the accused's release,~~ may impose one or more of the following conditions:

(1) Prohibit him the accused from approaching or communicating in any manner with particular persons or classes of persons;

(2) Prohibit him the accused from going to certain geographical areas or premises;

(3) Prohibit him the accused from possessing any dangerous weapons or firearms, or engaging in certain described activities or indulging in possessing or consuming any intoxicating liquors or in certain drugs not prescribed to the accused;

(4) Require him the accused to report regularly to and remain under the supervision of an officer of the court or other person or agency;

(5) Prohibit the accused from committing any law violations;

(6) Require the accused to post a secured or unsecured bond, conditioned on compliance with all conditions of release. This condition may be imposed only if no less restrictive condition or combination of conditions would reasonably assure the safety of the community or the appearance of the defendant.

**(d) Delay of Release.** The court may delay release of a person in the following circumstances:

(1) If the person is intoxicated and his release will jeopardize his the person's safety or that of others, the court may delay release of the person or have the person transferred to the custody and care of a treatment center.

(2) If the person's mental condition is such that the court believes ~~he~~ the person should be interviewed by a mental health professional for possible commitment to a mental treatment facility pursuant to RCW 71.05, the court may delay release of the person.

(3) Unless other grounds exist for continued detention, a person detained pursuant to this section must be released from detention not later than 24 hours after the preliminary appearance.

**(e) Release in Capital Cases.** Any person charged with a capital offense shall not be released in accordance with sections (a) through (c) this rule unless the court ~~has reason to believe that no one or more conditions of release~~ finds that release on conditions will reasonably assure that the accused will not flee the state or appear for later hearings, will not significantly interfere with the administration of justice and will not pose a substantial danger to another or the community. If a risk of flight,

interference or danger is believed to exist, the person may be ordered detained without bail.

**(f) Release After Finding or Plea of Guilty.** After a person has been found or pleaded guilty, the court may revoke, modify, or suspend the terms of release and/or bail previously ordered.

**(g) Order for Release.** A court authorizing the release of the accused under this rule shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform him the accused of the penalties applicable to violations of the conditions imposed, if any, shall inform him the accused of the penalties applicable to violations of the conditions of his the accused's release and shall advise him the accused that a warrant for his the accused's arrest may be issued upon any such violation.

**(h) Review of Conditions.** Upon determining the conditions of release, the court, upon request, after 24 hours from the time of release or earlier if provided with new information, may review the conditions previously imposed.

**(i) Amendment or Revocation of Order.**

(1) The court ordering the release of an accused on any condition specified in this rule may at any time on change of circumstances, new information or showing of good cause amend its order to impose additional or different conditions for release.

(2) Upon a showing that the accused has willfully violated a condition of release, the court may revoke release and may order forfeiture of any bond.

**(j) Arrest for Violation of Conditions.**

**(1) Arrest With Warrant.** Upon the court's own motion or a verified application by the prosecuting attorney alleging with specificity that an accused has willfully violated a condition of his the accused's release, a court shall order the accused to appear for immediate hearing or issue a warrant directing the arrest of the accused for immediate hearing for reconsideration of conditions of release pursuant to section (i).

**(2) Arrest Without Warrant.** A law enforcement officer having probable cause to believe that an accused released pending trial for a felony is about to leave the state or has violated a condition of such release under circumstances rendering the securing of a warrant impracticable may arrest the accused and take him forthwith before the court for reconsideration of conditions of release pursuant to section (i).

**(k) Evidence.** Information stated in, or offered in connection with, any order entered pursuant to this rule need not conform to the rules pertaining to the admissibility of evidence in a court of law.

**(l) Forfeiture.** Nothing contained in this rule shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

**(m) Accused Discharged on Recognizance or Bail—Absence—Forfeiture.** If the accused has been discharged on his the accused's own recognizance, on bail, or has deposited money instead thereof, and does not appear when his the accused's personal appearance is necessary or violated conditions of release, the court, in addition to

the forfeiture of the recognizance, or of the money deposited, may direct the clerk to issue a bench warrant for his the accused's arrest.

**CrR 3.3(d)**

**(d) Extensions of Time for Trial.** The following extensions of time limits apply notwithstanding the provisions of section (c):

**(1) Revocation of Release.** A defendant who has been released from jail pending trial, pursuant to an order imposing conditions of release, but whose release is then revoked by order of the court, shall be brought to trial within such a time period that the defendant spends no more than a total of 60 days in jail following the date of arraignment, and in any event within such a time period that the defendant is tried not later than a total of 90 days after the date of arraignment unless the time period is otherwise extended by this rule.

**(2) Failure To Appear.** When a defendant who has already been arraigned fails to appear for any trial or pretrial proceeding at which the defendant's presence is required pursuant to rule 3.4, the defendant shall be brought to trial not later than 60 days after the date upon which the defendant is present in the county where the criminal charge is pending and the defendant's presence has been made known to the court on the record, if the defendant is thereafter detained in jail or not later than 90 days after such date if the defendant is not detained in jail whether or not the defendant is thereafter subjected to conditions of release.

**(3) Mistrial and New Trial.** If before verdict the superior court orders a mistrial, the defendant shall be brought to trial not later than 60 days after the oral order of the court if the defendant is thereafter detained in jail or not later than 90 days after the oral order if the defendant is not detained in jail and whether or not the defendant is subjected to conditions of release. If after verdict the superior court orders a new trial, the defendant shall be brought to trial not later than 60 days after entry of the written order of the court if the defendant is thereafter detained in jail, or not later than 90 days after entry of such written order if the defendant is not detained in jail and whether or not the defendant is thereafter subjected to conditions of release.

**(4) Retrial After ~~Appellate Reversal Appeal~~.** If a cause is remanded for trial after an appellate court ~~orders a new trial~~ accepts review, the defendant shall be brought to trial not later than 60 days after that appearance by or on behalf of the defendant in superior court, with notice to both parties of any such appearance, which next follows receipt by the clerk of the superior court of the mandate or other written order, if after such appearance the defendant is detained in jail, or not later than 90 days after such appearance if the defendant is thereafter released whether or not subject to conditions of release.

**(5) Change of Venue.** If a change of venue has been granted pursuant to rule 5.2, the case shall be transferred to the receiving court as soon as practicable but within 7 days and the defendant shall be brought to trial

as prescribed by this rule or not later than 30 days following the date upon which the court to which the case is being transferred for trial receives the filing of the case, whichever is later. If, however, after a change of venue is attempted, the criminal calendar of the receiving county will prevent compliance with the time limits within this section, the trial shall commence on the earliest available date permitted by the criminal calendar of the receiving county.

(6) *Disqualification.* If the prosecuting attorney or judge becomes disqualified from participating in the case, the defendant shall be brought to trial as prescribed by this rule or not later than 30 days following the disqualification, whichever is later.

(7) *Withdrawal of Guilty Plea.* If a defendant has been permitted to withdraw a plea of guilty, the defendant shall be brought to trial not later than 60 days after the date of the written order allowing withdrawal of the guilty plea if the defendant is thereafter detained in jail or not later than 90 days if the defendant is thereafter released from jail, whether or not subjected to conditions of release.

(8) *Five-Day Extensions.* When a trial is not begun on the date set because of unavoidable or unforeseen circumstances beyond the control of the court or the parties, the court, even if the time for trial has expired, may extend the time within which trial must be held for no more than 5 days exclusive of Saturdays, Sundays, or holidays unless the defendant will be substantially prejudiced in his or her defense. The court must state on the record or in writing the reasons for the extension. If the nature of the unforeseen or unavoidable circumstance continues, the court may extend the time for trial in increments of not to exceed 5 days exclusive of Saturdays, Sundays, or holidays unless the defendant will be substantially prejudiced in his or her defense. The court must state on the record or in writing the reasons for the extension.

CrR 3.3(h)

(h) *Continuances.* Continuances or other delays may be granted as follows:

(1) Upon written agreement of the parties which must be signed by the defendant or all defendants. The agreement shall be effective when approved by the court on the record or in writing.

(2) On motion of the State, the court or a party, the court may continue the case when required in the administration of justice and the defendant will not be substantially prejudiced in the presentation of his or her defense. The motion must be filed on or before the date set for trial or the last day of any continuance or extension granted pursuant to this rule. The court must state on the record or in writing the reasons for the continuance.

CrR 4.2(f)

(f) *Withdrawal of Plea.* The court shall allow a defendant to withdraw his the defendant's plea of guilty

whenever it appears that the withdrawal is necessary to correct a manifest injustice. If the defendant pleads guilty pursuant to a plea agreement and the court later determines under RCW 9.94A.090 that the agreement is not binding, the court shall inform the defendant that the guilty plea may be withdrawn and a plea of not guilty entered.

CrR 4.2(g)

(g) *Written Statement.* A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty:

SUPERIOR COURT OF WASHINGTON FOR [ ] COUNTY	
THE STATE OF WASHINGTON Plaintiff, v. Defendant.	No. _____  STATEMENT OF DEFENDANT ON PLEA OF GUILTY

1. My true name is \_\_\_\_\_.
2. My age is \_\_\_\_\_.
3. I went through the \_\_\_\_\_ grade in school.
4. I have been informed and fully understand that I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is \_\_\_\_\_.
5. I have been informed and fully understand that I am charged with the crime of \_\_\_\_\_, that the elements of the crime are \_\_\_\_\_, the maximum sentence(s) for which is (are) \_\_\_\_\_ years and \$ \_\_\_\_\_ fine. The standard sentence range for the crime is at least \_\_\_\_\_ and not more than \_\_\_\_\_, based upon my criminal history which I understand the Prosecuting Attorney says to be: \_\_\_\_\_.

In addition, I may have to pay restitution, costs, assessments, and recoupment of expenses for defense services provided by the court. I have been given a copy of the information.

6. I have been informed and fully understand that:
  - (a) I have the right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed.
  - (b) I have the right to remain silent before and during trial, and I need not testify against myself.
  - (c) I have the right at trial to hear and question witnesses who testify against me.
  - (d) I have the right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me.
  - (e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty.
  - (f) I have the right to appeal a determination of guilt after a trial.

- (g) If I plead guilty I give up the rights in statements 6(a)-(f).
7. I plead \_\_\_\_\_ to the crime of \_\_\_\_\_ as charged in the \_\_\_\_\_ information.
8. I make this plea freely and voluntarily.
9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.
11. I have been informed and fully understand the Prosecuting Attorney will make the following recommendation to the court: \_\_\_\_\_.

12. I have been informed and fully understand that the standard sentencing range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. Criminal history also includes convictions or guilty pleas at juvenile court that are felonies and which were committed when I was 15 years of age or older. Juvenile convictions count only if I was less than 23 years of age at the time I committed this present offense. I fully understand that if criminal history in addition to that listed in paragraph 5 is discovered, both the standard sentence range and the Prosecuting Attorney's recommendation may increase. Even so, I fully understand that my plea of guilty to this charge is binding upon me if accepted by the court, and I cannot change my mind if additional criminal history is discovered and the standard sentence range and Prosecuting Attorney's recommendation increases.

13. I have been informed and fully understand that the court does not have to follow anyone's recommendation as to sentence. I have been fully informed and fully understand that the court must impose a sentence within the standard sentence range unless the court finds substantial and compelling reasons not to do so. If the court goes outside the standard sentence range, either I or the State can appeal that sentence. If the sentence is within the standard sentence range, no one can appeal the sentence.



14. I understand that if I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

15. The court has asked me to state briefly in my own words what I did that resulted in my being charged with the crime in the information. This is my statement: \_\_\_\_\_

16. I have read or have had read to me and fully understand all of the numbered paragraphs above (1 through 15) and have received a copy of "Statement of Defendant on Plea of Guilty." I have no further questions to ask of the court.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Prosecuting Attorney

\_\_\_\_\_  
Defendant's Lawyer

The foregoing statement was read by or to the defendant and signed by the defendant in the presence of ~~his or her~~ the defendant's attorney, and the undersigned Judge, in open court. The court finds the defendant's plea of guilty to be knowingly, intelligently and voluntarily made, that the court has informed the defendant of the nature of the charge and the consequences of the plea, that there is a factual basis for the plea, and that the defendant is guilty as charged.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Judge

I am fluent in the \_\_\_\_\_ language and I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Interpreter

**RULE 4.3**

**JOINDER OF OFFENSES AND DEFENDANTS**

(a) **Joinder of Offenses.** Two or more offenses may be joined in one charge, with each offense stated in a separate count, when the offenses, whether felonies or misdemeanors or both:

- (1) Are of the same or similar character, even if not part of a single scheme or plan; or
- (2) Are based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan;

~~(3) Improper joinder of offenses or defendants shall not preclude subsequent prosecution on the same charge for the charge or defendant improperly joined.~~

(b) **Joinder of Defendants.** Two or more defendants may be joined in the same charge:

- (1) When each of the defendants is charged with accountability for each offense included;
- (2) When each of the defendants is charged with conspiracy and one or more of the defendants is also charged with one or more offenses alleged to be in furtherance of the conspiracy; or

(3) When, even if conspiracy is not charged and all of the defendants are not charged in each count, it is alleged that the several offenses charged:

- (i) were part of a common scheme or plan; or
- (ii) were so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others.

(c) **Failure To Join Related Offenses.**

(1) Two or more offenses are related offenses, for purposes of this rule, if they are within the jurisdiction and venue of the same court and are based on the same conduct.

(2) When a defendant has been charged with two or more related offenses, ~~his~~ the timely motion to join them for trial should be granted unless the court determines that because the prosecuting attorney does not have sufficient evidence to warrant trying some of the offenses at that time, or for some other reason, the ends of justice would be defeated if the motion were granted. A defendant's failure to so move constitutes a waiver of any right of joinder as to related offenses with which the defendant knew he was charged.

(3) A defendant who has been tried for one offense may thereafter move to dismiss a charge for a related offense, unless a motion for joinder of these offenses was previously denied or the right of joinder was waived as provided in ~~section (b)~~ this rule. The motion to dismiss must be made prior to the second trial, and shall be granted unless the court determines that because the prosecuting attorney was unaware of the facts constituting the related offense or did not have sufficient evidence to warrant trying this offense at the time of the first trial, or for some other reason, the ends of justice would be defeated if the motion were granted.

(4) Entry of a plea of guilty to one offense does not bar the subsequent prosecution of a related offense unless the plea of guilty was entered on the basis of a plea agreement in which the prosecuting attorney agreed to seek or not to oppose dismissal of other related charges or not to prosecute other potential related charges.

(d) **Authority of Court To Act on Own Motion.** The court may order consolidation for trial of two or more indictments or informations if the offenses or defendants could have been joined in a single charge.

(e) Improper Joinder. Improper joinder of offenses or defendants shall not preclude subsequent prosecution on the same charge for the charge or defendant improperly joined.

**RULE 4.7**

**DISCOVERY**

(a) **Prosecutor's Obligations.**

(1) Except as otherwise provided by protective orders or as to matters not subject to disclosure, the prosecuting attorney shall disclose to the defendant the following material and information within ~~his~~ the prosecuting attorney's possession or control no later than the omnibus hearing:

(i) the names and addresses of persons whom the prosecuting attorney intends to call as witnesses at the hearing or trial, together with any written or recorded statements and the substance of any oral statements of such witnesses;

(ii) any written or recorded statements and the substance of any oral statements made by the defendant, or made by a codefendant if the trial is to be a joint one;

(iii) when authorized by the court, those portions of grand jury minutes containing testimony of the defendant, relevant testimony of persons whom the prosecuting attorney intends to call as witnesses at the hearing or trial, and any relevant testimony that has not been transcribed;

(iv) any reports or statements of experts made in connection with the particular case, including results of physical or mental examinations and scientific tests, experiments, or comparisons;

(v) any books, papers, documents, photographs, or tangible objects, which the prosecuting attorney intends to use in the hearing or trial or which were obtained from or belonged to the defendant; and

(vi) any record or prior criminal convictions known to the prosecuting attorney of the defendant and of persons whom the prosecuting attorney intends to call as witnesses at the hearing or trial.

(2) The prosecuting attorney shall disclose to the defendant:

(i) any electronic surveillance, including wiretapping, of the defendant's premises or conversations to which the defendant was a party and any record thereof;

(ii) any expert witnesses whom the prosecuting attorney will call at the hearing or trial, the subject of their testimony, and any reports they have submitted to the prosecuting attorney;

(iii) any information which the prosecuting attorney has indicating entrapment of the defendant.

(3) Except as is otherwise provided as to protective orders, the prosecuting attorney shall disclose to defendant's counsel any material or information within his the prosecuting attorney's knowledge which tends to negate defendant's guilt as to the offense charged.

(4) The prosecuting attorney's obligation under this section is limited to material and information within the knowledge, possession or control of members of his the prosecuting attorney's staff.

**(b) Defendant's Obligations.**

(1) Except as is otherwise provided as to matters not subject to disclosure and protective orders, the defendant shall disclose to the prosecuting attorney the following material and information within his the defendant's control no later than the omnibus hearing: the names and addresses of persons whom the defendant intends to call as witnesses at the hearing or trial, together with any written or recorded statements and the substance of any oral statements of such witness.

(2) Notwithstanding the initiation of judicial proceedings, and subject to constitutional limitations, the court on motion of the prosecuting attorney or the defendant, may require or allow the defendant to:

- (i) appear in a lineup;
- (ii) speak for identification by a witness to an offense;
- (iii) be fingerprinted;
- (iv) pose for photographs not involving reenactment of the crime charged;
- (v) try on articles of clothing;
- (vi) permit the taking of samples of or from his the defendant's blood, hair, and other materials of his the defendant's body including materials under his the defendant's fingernails which involve no unreasonable intrusion thereof;

(vii) provide specimens of his the defendant's handwriting;

(viii) submit to a reasonable physical, medical, or psychiatric inspection or examination;

(ix) state whether there is any claim of incompetency to stand trial;

(x) allow inspection of physical or documentary evidence in defendant's possession;

(xi) state whether his the defendant's prior convictions will be stipulated or need to be proved;

(xii) state whether or not he the defendant will rely on an alibi and, if so, furnish a list of alibi witnesses and their addresses;

(xiii) state whether or not he the defendant will rely on a defense of insanity at the time of the offense;

(xiv) state the general nature of his the defense.

(3) Provisions may be made for appearance for the foregoing purposes in an order for pretrial release.

**(c) Additional Disclosures Upon Request and Specification.** Except as is otherwise provided as to matters not subject to disclosure the prosecuting attorney shall, upon request of the defendant, disclose any relevant material and information regarding:

(1) Specified searches and seizures;

(2) The acquisition of specified statements from the defendant; and

(3) The relationship, if any, of specified persons to the prosecuting authority.

**(d) Material Held by Others.** Upon defendant's request and designation of material or information in the knowledge, possession or control of other persons which would be discoverable if in the knowledge, possession or control of the prosecuting attorney, the prosecuting attorney shall attempt to cause such material or information to be made available to the defendant. If the prosecuting attorney's efforts are unsuccessful and if such material or persons are subject to the jurisdiction of the court, the court shall issue suitable subpoenas or orders to cause such material to be made available to the defendant.

**(e) Discretionary Disclosures.**

(1) Upon a showing of materiality to the preparation of the defense, and if the request is reasonable, the court in its discretion may require disclosure to the defendant of the relevant material and information not covered by sections (a), (c) and (d).

(2) The court may condition or deny disclosure authorized by this rule if it finds that there is a substantial risk to any person of physical harm, intimidation, bribery, economic reprisals or unnecessary annoyance or embarrassment, resulting from such disclosure, which outweigh any usefulness of the disclosure to the defendant.

**(f) Matters Not Subject to Disclosure.**

(1) **Work Product.** Disclosure shall not be required of legal research or of records, correspondence, reports or memoranda to the extent that they contain the opinions, theories or conclusions of investigating or prosecuting agencies except as to material discoverable under subsection (a)(1)(iv).

(2) **Informants.** Disclosure of an informant's identity shall not be required where his the informant's identity is a prosecution secret and a failure to disclose will not infringe upon the constitutional rights of the defendant. Disclosure of the identity of witnesses to be produced at a hearing or trial shall not be denied.

(g) **Medical and Scientific Reports.** Subject to constitutional limitations, the court may require the defendant to disclose any reports or results, or testimony relative thereto, of physical or mental examinations or of scientific tests, experiments or comparisons, or any other reports or statements of experts which the defendant intends to use at a hearing or trial.

(h) **Regulation of Discovery.**

(1) *Investigations Not To Be Impeded.* Except as is otherwise provided with respect to protective orders and matters not subject to disclosure, neither the counsel for the parties nor other prosecution or defense personnel shall advise persons other than the defendant having relevant material or information to refrain from discussing the case with opposing counsel or showing opposing counsel any relevant material, nor shall they otherwise impede opposing counsel's investigation of the case.

(2) *Continuing Duty To Disclose.* If, after compliance with these standards rules or orders pursuant thereto, a party discovers additional material or information which is subject to disclosure, ~~he~~ the party shall promptly notify the other party or his their counsel of the existence of such additional material, and if the additional material or information is discovered during trial, the court shall also be notified.

(3) *Custody of Materials.* Any materials furnished to an attorney pursuant to these standards rules shall remain in his the exclusive custody of the attorney and be used only for the purposes of conducting his the party's side of the case, and shall be subject to such other terms and conditions as the court may provide.

(4) *Protective Orders.* Upon a showing of cause, the court may at any time order that specified disclosure be restricted or deferred, or make such other order as is appropriate, provided that all material and information to which a party is entitled must be disclosed in time to permit his the party's counsel to make beneficial use thereof.

(5) *Excision.* When some parts of certain material are discoverable under this rule, and other parts not discoverable, as much of the material shall be disclosed as is consistent with this rule. Material excised pursuant to judicial order shall be sealed and preserved in the records of the court, to be made available to the appellate court in the event of an appeal.

(6) *In Camera Proceedings.* Upon request of any person, the court may permit any showing of cause for denial or regulation of disclosure, or portion of such showing, to be made in camera. A record shall be made of such proceedings. If the court enters an order granting relief following a showing in camera, the entire record of such showing shall be sealed and preserved in the records of the court, to be made available to the appellate court in the event of an appeal.

(7) *Sanctions.*

(i) if at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with an applicable discovery rule or an order issued pursuant thereto, the court may order such party to permit the discovery of material and information not previously disclosed, grant a continuance,

dismiss the action or enter such other order as it deems just under the circumstances.

(ii) willful violation by counsel of an applicable discovery rule or an order issued pursuant thereto may subject counsel to appropriate sanctions by the court.

CrR 6.15(b)

~~(b) Statute Abrogated.~~ That portion of RCW 10.52-.040, reading as follows, is hereby abrogated:

~~And provided further, That it shall be the duty of the court to instruct the jury that no inference of guilt shall arise against the accused if the accused shall fail or refuse to testify as a witness in his or her own behalf. [Reserved.]~~

CrR 6.15(c)

(c) **Objection to Instructions.** Before instructing the jury, the court shall supply counsel with copies of the proposed numbered instructions, verdict and special finding forms. The court shall afford to counsel an opportunity in the absence of the jury to object to the giving of any instructions and the refusal to give a requested instruction or submission of a verdict or special finding form. The party objecting shall state the reasons for his the objection, specifying the number, paragraph, and particular part of the instruction to be given or refused. The court shall provide counsel for each party with a copy of the instructions in their final form.

CrR 7.1(b)

(b) **Report.** The report of the presentence investigation shall contain the defendant's criminal history, as defined by RCW 9.94A.030, ~~and~~ such information about his the defendant's characteristics, his financial condition, and the circumstances affecting his the defendant's behavior as may be relevant in imposing sentence or in the correctional treatment of the defendant, information about the victim, and such other information as may be required by the court.

CrR 7.2(b)

(b) **Procedure at Time of Sentencing.** The court shall, at the time of sentencing, ~~unless the judgment and sentence are based on a plea of guilty~~, advise the defendant: (1) of his the right to appeal the conviction; (2) of the right to appeal a sentence outside the standard sentence range; (3) that unless a notice of appeal is filed within 30 days after the entry of the judgment or order appealed from, the right to appeal is irrevocably waived; (4) that the superior court clerk will, if requested by the defendant appearing without counsel, file supply a notice of appeal in his the defendant's form and file it upon completion by the defendant; and (5) of his the right, if unable to

pay the costs thereof, to have counsel appointed and portions of the trial record necessary for review of assigned errors transcribed at public expense for an appeal. These proceedings shall be made a part of the record.

### RULE 7.8

#### RELIEF FROM JUDGMENT OR ORDER

(a) **Clerical Mistakes.** Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. Such mistakes may be so corrected before review is accepted by an appellate court, and thereafter may be corrected pursuant to RAP 7.2(e).

(b) **Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc.** On motion and upon such terms as are just, the court may relieve a party from a final judgment, order, or proceeding for the following reasons:

(1) Mistakes, inadvertence, surprise, excusable neglect or irregularity in obtaining a judgment or order;

(2) Newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under rule 7.6;

(3) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

(4) The judgment is void; or

(5) Any other reason justifying relief from the operation of the judgment.

The motion shall be made within a reasonable time and for reasons (1) and (2) not more than 1 year after the judgment, order, or proceeding was entered or taken. A motion under section (b) does not affect the finality of the judgment or suspend its operation.

(c) **Procedure on Vacation of Judgment.**

(1) *Motion.* Application shall be made by motion stating the grounds upon which relief is asked, and supported by affidavits setting forth a concise statement of the facts or errors upon which the motion is based.

(2) *Initial Consideration.* The court may deny the motion without a hearing if the facts alleged in the affidavits do not establish grounds for relief. The court may transfer a motion to the Court of Appeals for consideration as a personal restraint petition if such transfer would serve the ends of justice. Otherwise, the court shall enter an order fixing a time and place for hearing and directing the adverse party to appear and show cause why the relief asked for should not be granted.

### JUSTICE COURT CIVIL RULES (JCR)

#### Table of Rules

Rule 71 Withdrawal by Attorney – Revision to Rule 71(c)

### JCR 71(c)

(c) **Withdrawal by Notice.** Except as provided in sections (b) and (d), an attorney may withdraw by notice in the manner provided in this section.

(1) *Notice of Intent To Withdraw.* The attorney shall file and serve a Notice of Intent To Withdraw on all other parties in the proceeding. The notice shall specify a date when the attorney intends to withdraw, which date shall be at least 10 days after the service of the Notice of Intent To Withdraw. The notice shall include a statement that the withdrawal shall be effective without order of court unless an objection to the withdrawal is served upon the withdrawing attorney prior to the date set forth in the notice. If notice is given before trial, the notice shall include the date set for trial. The notice shall include the names and last known addresses of the persons represented by the withdrawing attorney, unless disclosure of the address would violate the ~~Code of Professional Responsibility~~ Rules of Professional Conduct, in which case the address may be omitted. If the address is omitted, the notice must contain a statement that after the attorney withdraws, and so long as the address of the withdrawing attorney's client remains undisclosed and no new attorney is substituted, the client may be served by leaving papers with the clerk of the court pursuant to rule 5(b)(1).

(2) *Service on Client.* Prior to service on other parties, the Notice of Intent To Withdraw shall be served on the persons represented by the withdrawing attorney or sent to them by certified mail, postage prepaid, to their last known mailing addresses. Proof of service or mailing shall be filed, except that the address of the withdrawing attorney's client may be omitted under circumstances defined by subsection (c)(1) of this rule.

(3) *Withdrawal Without Objection.* The withdrawal shall be effective, without order of court and without the service and filing of any additional papers, on the date designated in the Notice of Intent To Withdraw, unless a written objection to the withdrawal is served by a party on the withdrawing attorney prior to the date specified as the day of withdrawal in the Notice of Intent To Withdraw.

(4) *Effect of Objection.* If a timely written objection is served, withdrawal may be obtained only by order of the court.

### JUSTICE COURT TRAFFIC INFRACTION RULES (JTIR)

#### Table of Rules

Rule 6.2 Monetary Penalty Schedule – Revision to Rule 6.2(a) and (d)

#### JTIR 6.2(a)

(a) **Effect of Schedule.** The penalty for any infraction listed in this rule may not be changed by local court rule. The court may impose on a defendant a lesser penalty in an individual case. Provided that, whenever the base penalty plus statutory assessments results in a total

payment that is not an even dollar amount, the base penalty is deemed to be amended to a lesser amount which produces the next lowest even dollar total.

**JTIR 6.2(d)**

**(d) Penalty Schedule.** The following infractions shall have the penalty listed, not including statutory assessments.

<b>Serious Infractions</b>	<b>Penalty</b>
1. Wrong way on freeway (RCW 46.61.150)	\$165
2. Wrong way on freeway access (RCW 46.61.155)	\$70
3. Backing on limited access highway (RCW 46.61.605)	\$70
4. Spilling or failure to secure load (RCW 46.61.655)	\$70
5. Throwing or depositing debris on highway (RCW 46.61.645)	\$70
6. Disobeying school patrol (RCW 46.61.385)	\$70
7. Passing stopped school bus (with red lights flashing) (RCW 46.61.370)	\$70
8. Violation of posted road restriction (RCW 46.44.080; RCW 46.44.105(4))	\$165
9. Switching license plates, loan of license or use of another's (RCW 46.16.240)	\$70
10. Altering or using altered license plates (RCW 46.16.240)	\$70
<b>Operator's Licenses (RCW 46.20)</b>	
All RCW 46.25 infractions	\$25
<b>Vehicle Licenses (RCW 46.16)</b>	
Expired Vehicle License (RCW 46.16.010)	
Two months or less	\$25
Over 2 months	\$70
Failure to obtain Washington vehicle license within 2 months after residency established	\$25
Failure to obtain Washington vehicle license over 2 months after residency established	\$165
<b>Speeding (RCW 46.61.400) if speed limit is over 40 m.p.h.</b>	
1-5 m.p.h. over limit	\$10
6-10 m.p.h. over limit	\$20
11-15 m.p.h. over limit	\$35
16-20 m.p.h. over limit	\$50
21-25 m.p.h. over limit	\$65
26-30 m.p.h. over limit	\$85
31-35 m.p.h. over limit	\$110
36-40 m.p.h. over limit	\$135
Over 40 m.p.h. over limit	\$165
<b>Speeding if speed limit is 40 m.p.h. or less</b>	
1-5 m.p.h. over limit	\$20
6-10 m.p.h. over limit	\$25
11-15 m.p.h. over limit	\$40
16-20 m.p.h. over limit	\$60
21-25 m.p.h. over limit	\$85
26-30 m.p.h. over limit	\$110
31-35 m.p.h. over limit	\$135
Over 35 m.p.h. over limit	\$165
<b>Speed Too Fast for Conditions (RCW 46.61.400(1))</b>	\$25
<b>Rules of the Road</b>	
1. Failure to stop (RCW 46.61.050, .210)	\$25
2. Failure to yield the right of way (RCW 46.61.180, .190, .205, .210, .235, .300, .365)	\$25
3. Following too close (RCW 46.61.145, .635)	\$25
4. Failure to signal (RCW 46.61.310)	\$25
5. Improper lane usage or travel (RCW 46.61.140)	\$25
6. Impeding traffic (RCW 46.61.425)	\$25
7. Improper passing (RCW 46.61.110, .115, .120, .125, .130)	\$25

8. Prohibited and improper turn (RCW 46.61.290, .295, .305)	\$25
9. Crossing double yellow line left of center line (RCW 46.61.100, .130, .140)	\$25
10. Operating with obstructed vision (RCW 46.61.615)	\$25
11. Wrong way on one-way street (RCW 46.61.135)	\$25
12. Failure to comply with restrictive signs (RCW 46.61.050)	\$25

**Accident**  
If an accident occurs in conjunction with any of the listed rules-of-the-road infractions or speed too fast for conditions, the penalty for the infraction shall be: \$50

<b>Equipment (RCW 46.37)</b>	
1. Illegal use of emergency equipment (RCW 46.37.190)	\$70
2. Defective or modified exhaust systems, mufflers, prevention of noise and smoke (RCW 46.37.390(1) and (3))	
First offense (the penalty may be waived upon proof to the court of compliance)	\$30
Second offense within 1 year of first offense	\$50
Third and subsequent offenses within 1 year of first offense	\$70
3. Any other equipment infraction (RCW 46.37.010)	\$25

**Motorcycles**  
Any infraction relating specifically to motorcycles (including no valid endorsement, RCW 46.20.500) \$25

<b>Parking</b>	
1. Illegal parking on roadway (RCW 46.61.560)	\$20
2. Any other parking infraction (not defined by city or county ordinance)	\$10

**Pedestrians**  
Any infraction regarding pedestrians (not defined by city or county ordinance) \$10

**Bicycles**  
Any infraction regarding bicycles \$15

<b>Load Violations</b>	
(all under RCW 46.44, except over license capacity) (see RCW 46.16)	
1. Over legal—tires, wheelbase (RCW 46.44.105(1))	
(First offense)	\$55
(Second offense)	\$85
(Third offense)	\$100
In addition to the above (RCW 46.44.105(2)) 3¢ per excess pound	
2. Over license capacity (RCW 46.16.145)	
(First offense)	\$55
(Second offense)	\$85
(Third offense)	\$100
3. Violation of special permit	\$50
4. Failure to obtain special permit	\$50
5. Failure to submit to being weighed	\$50
6. Illegal vehicle combination (RCW 46.44.036)	\$50
7. Illegally transporting mobile home	\$55
Any other infraction defined in RCW 46.44	\$35

<b>Private Carrier (RCW 46.73)</b>	
1. Failure to display valid medical exam	\$100
2. Violation of daily log book	
Driver not out of service	\$100
Driver out of service	\$150

**Off-Road Vehicles (ATV's) (RCW 46.09)**  
Any RCW 46.09 infraction \$30

**Snowmobiles (RCW 46.10)**  
Any RCW 46.10 infraction \$30

Failure to respond to notice of infraction or failure to pay penalty (RCW 46.63.110(3)) \$25



**Codification Tables: 1986 Regular Session Laws—RCW**

**1986 REGULAR SESSION LAWS**

Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.
1	1	<i>Approp.</i>	2	21.30.020	19	46.85.120	9	62A.8-202	3	86.26.050				
	2	<i>Em.</i>	3	21.30.030	20	46.85.130	10	62A.8-203	4	86.26.100				
2	1	43.200.080	4	21.30.040	21	46.85.160	11	62A.8-204	5	86.26.105				
	2	70.98.085	5	21.30.050	22	46.87.010	12	62A.8-205	47	1 43.51.300				
	3	43.200.170	6	21.30.060	23	46.87.030	13	62A.8-206	2	43.51.340				
	4	43.200.180	7	21.30.070	24	46.87.090	14	62A.8-207	48	1 82.12.040				
	5	43.200.070	8	21.30.080	25	46.88.010	15	62A.8-208	2	<i>Eff. date</i>				
	6	43.200.190	9	21.30.090	26	<i>Repealer</i>	16	62A.8-301	n82.12.040					
	7	<i>Em.</i>	10	21.30.100	27	<i>Eff. date</i>	17	62A.8-302	49	1 <i>Repealer</i>				
3	1	70.146.010	11	21.30.110	n46.87.010		18	62A.8-303	50	1 39.36.030				
	2	70.146.020	12	21.30.120	19	1 72.09.050	19	62A.8-304	2	<i>Temporary</i>				
	3	70.146.030	13	21.30.130	20	1 49.17.140	20	62A.8-305	51	1 <i>Temporary</i>				
	4	<i>Approp.</i>	14	21.30.140	2	49.17.180	21	62A.8-306	2	<i>Temporary</i>				
	5	<i>Approp.</i>	15	21.30.150	3	49.17.190	22	62A.8-307	3	<i>Temporary</i>				
	6	70.146.040	16	21.30.390	21	1 50.04.320	23	62A.8-308	52	1 69.41.100				
	7	n70.146.010	17	21.30.160	2	n50.04.320	24	62A.8-309	2	69.41.130				
	8	70.146.050	18	21.30.170	3	<i>Sev.</i>	25	62A.8-310	53	1 69.54.035				
	9	70.146.060	19	21.30.180	n50.04.320		26	62A.8-311	2	69.54.030				
	10	70.146.070	20	21.30.190	22	1 29.36.013	27	62A.8-312	3	<i>Sev.</i>				
	11	70.146.080	21	21.30.200	23	1 47.60.150	28	62A.8-313	n69.54.030					
	12	82.24.027	22	21.30.210	2	<i>Eff. date</i>	29	62A.8-314	4	<i>Em.</i>				
	13	82.24.260	23	21.30.220	n47.60.150		30	62A.8-315	54	1 51.32.240				
	14	82.26.025	24	21.30.230	24	1 46.90.300	31	62A.8-316	55	1 51.32.055				
	15	82.32.390	25	21.30.240	2	46.90.406	32	62A.8-317	2	<i>Temporary</i>				
	16	<i>Sev.</i>	26	21.30.250	3	<i>Em.</i>	33	62A.8-318	3	<i>Approp.</i>				
		70.146.900	27	21.30.260	25	1 39.58.135	34	62A.8-319	4	<i>Eff. date</i>				
	17	<i>Leg. dir.</i>	28	21.30.270	2	39.58.040	35	62A.8-320	n51.32.055					
	18	<i>Eff. dates</i>	29	21.30.280	26	1 36.60.100	36	62A.8-321	56	1 51.48.110				
	n82.24.027		30	21.30.290	2	36.60.110	37	62A.8-401	57	1 51.14.020				
4	1	9.46.085	31	21.30.300	3	36.60.120	38	62A.8-402	2	51.14.060				
	2	67.70.055	32	21.30.310	4	36.60.130	39	62A.8-403	3	51.14.070				
5	1	66.44.340	33	21.30.320	5	36.60.140	40	62A.8-404	4	51.14.073				
6	1	43.51.055	34	21.30.330	6	<i>Em.</i>	41	62A.8-405	5	<i>Intent</i>				
7	1	<i>Special</i>	35	21.30.340	7	<i>Leg. dir.</i>	42	62A.8-406	n51.14.077					
	n	<i>Title 79</i>	36	21.30.350	27	1 18.83.020	43	62A.8-407	6	51.14.077				
		<i>Digest</i>	37	21.30.360	2	18.83.035	44	62A.8-408	7	51.14.080				
	2	<i>Em.</i>	38	21.30.370	3	18.83.050	45	62A.9-103	58	1 51.24.030				
8	1	87.03.158	39	21.30.380	4	18.83.080	46	62A.9-105	2	51.32.080				
9	1	51.04.120	40	21.30.400	5	18.83.100	47	62A.9-203	3	51.32.050				
	2	51.04.082	41	21.30.800	6	18.83.130	48	62A.9-302	4	51.32.067				
	3	51.08.177	42	21.30.810	7	18.83.168	49	62A.9-304	5	51.32.060				
	4	51.16.150	43	<i>Sev.</i>	8	18.83.190	50	62A.9-305	6	51.36.010				
	5	51.16.170		21.30.900	9	18.83.115	51	62A.9-309	7	<i>Eff. date</i>				
	6	51.16.200	44	<i>Leg. dir.</i>	10	18.83.200	52	62A.9-312	n51.32.080					
	7	51.16.115	45	21.20.110	11	43.131.323	53	62A.1-201	59	1 51.32.060				
	8	51.48.030	46	<i>Eff. date</i>	28	1 42.17.080	54	62A.5-114	2	51.32.090				
	9	51.48.040		21.30.901	29	1 <i>Repealer</i>	55	23A.08.190	3	51.32.090				
	10	51.48.120	15	1 46.20.117	2	82.38.090	56	23A.08.195	4	51.32.160				
	11	51.48.150	16	1 46.10.030	30	1 46.16.020	57	23A.08.200	5	51.32.225				
	12	51.48.103	2	46.10.040	2	46.16.022	58	23A.08.310	6	<i>Exp. date</i>				
	13	51.48.160	3	46.10.220	3	46.16.270	59	23A.08.320	<i>Eff. date</i>					
	14	51.48.170	17	1 46.20.055	4	46.16.276	60	23A.08.330	n51.32.090					
	15	51.48.180	18	1 46.04.650	31	1 28B.20.426	61	23A.24.040	60	1 19.52.025				
	16	51.48.190	2	46.04.653	2	43.79.445	36	1 82.08.050	2	63.14.135				
	17	51.48.200	3	46.04.655	3	<i>Eff. date</i>	2	82.08.080	3	34.08.020				
	18	51.48.210	4	46.16.070	n28B.20.426		3	<i>Em.</i>	61	1 44.68.010				
	19	51.52.112	5	46.16.079	1	28A.24.055	37	1 19.114.040	2	44.68.020				
	20	51.52.113	6	46.16.080	33	1 39.29.060	38	1 9.73.030	3	44.68.030				
	21	51.48.220	7	46.16.083	2	39.29.070	2	9.73.090	4	44.68.040				
	22	51.48.230	8	46.16.085	3	39.29.040	39	1 58.17.310	5	44.68.050				
	23	51.48.240	9	46.16.088	34	1 79.14.020	40	1 66.24.550	6	44.68.060				
10	1	51.52.095	10	46.16.090	2	<i>Em.</i>	41	1 56.12.030	7	44.68.070				
11	1	80.04.015	11	46.16.111	35	1 62A.8-102	2	57.12.039	8	44.68.080				
12	1	42.17.030	12	46.16.135	2	62A.8-103	42	1 28B.15.067	9	44.68.090				
	2	42.17.090	13	46.16.140	3	62A.8-104	43	1 67.16.175	10	43.105.014				
	3	42.17.405	14	46.16.170	4	62A.8-105	44	1 83.100.050	11	n1.08.100				
13	1	<i>Approp.</i>	15	46.16.225	5	62A.8-106	2	83.100.080	12	<i>Leg. dir.</i>				
	2	<i>Temporary</i>	16	46.16.260	6	62A.8-107	45	1 43.17.230	13	<i>Repealer</i>				
	3	<i>Em.</i>	17	46.16.280	7	62A.8-108	46	1 86.26.007	14	<i>Eff. date</i>				
14	1	21.30.010	18	46.16.290	8	62A.8-201	2	86.26.040	n1.08.100					

**Codification Tables: 1986 Regular Session Laws—RCW**

Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.	
62	1	<i>Temporary</i>	81	1	70.95.075		20	76.04.246	111	1	50.29.010		3	70.48.060	
63	1	83.110.010		2	<i>Approp.</i>		21	76.04.305		2	n50.29.010		4	70.48.070	
	2	83.110.020	82	1	70.105.135		22	76.04.315		3	50.29.022		5	70.48.080	
	3	83.110.030	83	1	n67.70.255		23	76.04.325		4	<i>Sev.</i>		6	70.48.090	
	4	83.110.040		2	67.70.255		24	76.04.405			n50.29.010		7	70.48.110	
	5	83.110.050		3	<i>Eff. date</i>		25	76.04.415	112	1	43.88.030		8	70.48.120	
	6	83.110.060			n67.70.255		26	76.04.425		2	82.01.120		9	70.48.130	
	7	83.110.070	84	1	63.29.180		27	76.04.435		1	46.37.310		10	70.48.160	
	8	83.110.080	85	1	9A.04.080		28	76.04.445	113	2	46.37.320		11	70.48.200	
	9	83.110.090	86	1	67.42.020		29	76.04.455		3	46.37.380		12	70.48.260	
	10	<i>Constr.</i>		2	67.42.025		30	76.04.465		4	46.37.420		13	70.48.280	
		83.110.900	87	1	66.08.180		31	76.04.475		5	46.37.430		14	70.48.330	
	11	<i>Short t.</i>		2	68.08.107		32	76.04.486		6	46.37.440		15	19.27.060	
		83.110.901		3	<i>Eff. date</i>		33	76.04.495		7	46.37.510		16	70.48A.020	
	12	<i>Sev.</i>			n66.08.180		34	76.04.600		8	46.37.530		17	70.48A.040	
		83.110.904	88	1	10.79.120		35	76.04.610		9	46.37.535		18	<i>Repealer</i>	
	13	83.110.902		2	10.79.130		36	76.04.620	114	1	47.42.046	119	1	80.28.250	
	14	<i>Applic.</i>		3	10.79.140		37	76.04.630		2	47.42.047	120	1	29.18.022	
		83.110.903		4	10.79.150		38	76.04.650		3	47.42.052		2	29.18.045	
	15	<i>Leg. dir.</i>		5	10.79.160		39	76.04.660	115	1	18.135.060		3	29.30.060	
64	1	46.20.308		6	10.79.170		40	76.04.700		2	18.135.020		4	29.30.350	
	2	46.61.517		7	10.79.110		41	76.04.710		1	50.64.010		5	29.30.450	
65	1	84.33.078		8	<i>Leg. dir.</i>		42	76.04.720	116	2	50.64.020		6	<i>Leg. dir.</i>	
66	1	46.68.100	89	1	46.61.655		43	76.04.730		3	50.64.030	121	1	88.16.100	
	2	47.60.150	90	1	21.20.320		44	76.04.740		4	50.64.040		2	<i>Sev.</i>	
	3	47.60.400		2	21.20.340		45	76.04.750		5	50.64.050			n88.16.100	
	4	47.60.420		3	<i>Eff. date</i>		46	43.30.360		6	50.64.060	122	1	88.16.090	
	5	47.60.430			n21.20.320		47	43.30.370		7	<i>Leg. dir.</i>		2	88.16.103	
	6	47.60.440	91	1	28B.15.044		48	79.01.074		8	<i>Exp. date</i>		3	<i>Approp.</i>	
	7	47.60.450		2	28B.15.045		49	76.09.290			50.64.900	123	1	46.32.010	
	8	47.60.500	92	1	1.40.010		50	43.30.135		9	<i>Par. veto</i>		2	46.32.020	
	9	47.60.505		2	1.40.020		51	43.30.300			82.61.010		3	46.32.040	
	10	47.60.550		3	1.40.030		52	46.09.200		10	82.61.040		4	46.32.050	
	11	47.60.620		4	1.40.040		53	52.18.030		11	82.61.070		5	46.32.060	
	12	<i>Repealer</i>		5	1.40.050		54	52.20.027		12	82.60.020		6	46.32.070	
	13	n47.60.505		6	1.40.060		55	70.94.760		13	82.60.040		7	<i>Repealer</i>	
	14	<i>Eff. date</i>		7	<i>Leg. dir.</i>		56	76.14.120		14	82.60.065	124	1	69.50.101	
		n46.68.100	93	1	<i>Intent</i>		57	84.33.130		15	82.62.010		2	69.50.201	
67	1	71.05.330			n46.61.100		58	<i>Temporary</i>		16	82.62.020		3	69.50.204	
	2	71.05.325		2	46.61.100		59	<i>Repealer</i>		17	82.62.030		4	69.50.206	
	3	71.05.280		3	46.20.095		60	76.04.900		18	82.62.050		5	69.50.208	
	4	71.05.290		4	28A.08.080		61	<i>Leg. dir.</i>		19	82.62.060		6	69.50.210	
	5	71.05.320		5	46.82.430	101	1	<i>Repealer</i>		20	82.62.070		7	69.50.212	
	6	71.05.340		6	47.36.260	102	1	18.43.030		21	<i>Leg. dir.</i>		8	69.50.304	
	7	71.05.335	94	1	72.09.102		2	18.43.035		22	<i>Exp. date</i>		9	69.50.505	
	8	71.05.390		2	43.19.534		3	18.43.110			82.62.040		10	69.50.414	
68	1	18.71.205		3	<i>Temporary</i>		4	18.43.120		23	<i>Sev.</i>	125	1	9.95.310	
	2	18.71.212	95	1	2.08.067		5	<i>Repealer</i>			82.62.900		2	9.95.320	
	3	18.71.213		2	7.75.100	103	1	43.99G.020		24	<i>Eff. date</i>		3	9.95.340	
	4	18.71.210		3	26.12.230	104	1	67.28.180			82.62.901		4	9.95.350	
	5	18.71.215		4	26.09.015		2	<i>Eff. date</i>	117	1	23A.04.010		5	9.95.360	
	6	<i>Em.</i>	96	1	46.16.381			n67.28.180		2	23A.08.070		6	72.65.090	
69	1	48.17.600	97	1	70.79.080		105	1	66.08.014		3	23A.08.080		7	72.65.100
	2	<i>Eff. date</i>		2	70.79.320		106	1	50.20.015		4	23A.08.110	126	1	4.92.010
		n48.17.600	98	1	7.68.060		2	<i>Temporary</i>		5	23A.08.120		2	4.92.020	
70	1	35.21.714		2	7.68.080		3	<i>Temporary</i>		6	23A.08.150		3	4.92.030	
	2	35.21.715		3	<i>Applic.</i>		4	<i>Temporary</i>		7	23A.08.250		4	4.92.040	
	3	35.21.871			n7.68.070		5	<i>Temporary</i>		8	23A.08.260		5	4.92.060	
	4	35A.82.060		4	3.62.090		6	<i>Repealer</i>		9	23A.08.270		6	4.92.070	
	5	35A.82.065		5	<i>Eff. date</i>		7	n50.20.015		10	23A.08.305		7	4.92.100	
	6	35A.82.070			n3.62.090		8	<i>Sev.</i>		11	23A.08.380		8	4.92.110	
	7	<i>Temporary</i>	99	1	43.08.062			n50.20.015		12	23A.08.390		9	4.92.160	
	8	<i>Eff. date</i>	100	1	76.04.005		9	<i>Em.</i>		13	23A.08.400		10	4.92.170	
		n35.21.714		2	76.04.015	107	1	39.67.010		14	23A.08.450		11	77.12.270	
71	1	88.02.075		3	76.04.025		2	39.67.020		15	23A.16.020		12	77.12.280	
72	1	26.16.220		4	76.04.035		3	84.55.092		16	23A.16.075		13	<i>Repealer</i>	
	2	26.16.230		5	76.04.045		4	<i>Temporary</i>		17	23A.32.050	127	1	39.35B.010	
	3	26.16.240		6	76.04.055		5	<i>Sev.</i>		18	23A.32.090		2	39.35B.020	
	4	26.16.250		7	76.04.065			n39.67.010		19	23A.32.100		3	<i>Intent</i>	
	5	<i>Leg. dir.</i>		8	76.04.075		6	<i>Constr.</i>		20	23A.32.173			39.35B.030	
73	1	28A.67.225		9	76.04.085			n39.67.010		21	23A.32.176		4	39.35B.040	
74	1	46.52.130		10	76.04.095		7	<i>Leg. dir.</i>		22	23A.32.130		5	<i>Leg. dir.</i>	
75	1	50.20.085		11	76.04.105	108	1	46.16.570		23	23A.32.160	128	1	62A.3-515	
76	1	2.08.065		12	76.04.115		2	<i>Repealer</i>		24	23A.32.170		2	62A.3-520	
	2	<i>Eff. date</i>		13	76.04.125	109	1	57.28.050		25	23A.40.020	129	1	68.08.650	
		n2.08.065		14	76.04.135	110	1	50.04.165		26	<i>Repealer</i>		2	68.08.660	
77	1	28A.58.107		15	76.04.145		2	n50.04.165		27	<i>Sev.</i>	130	1	28B.50.070	
78	1	9A.82.010		16	76.04.155		3	<i>Sev.</i>			n23A.04.010	131	1	9A.44.100	
79	1	27.04.030		17	76.04.205			n50.04.165		28	<i>Em.</i>	132	1	28A.27.010	
80	1	46.82.280		18	76.04.215		4	<i>Eff. date</i>	118	1	70.48.020		2	28A.27.020	
	2	46.82.320		19	76.04.235			n50.04.165		2	70.48.050		3	28A.27.022	



**Codification Tables: 1986 Regular Session Laws—RCW**

Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.	
	4	28A.27.040		17	48.90.170		16	19.28.610		2	39.46.160		7	<i>Leg. dir.</i>	
	5	28A.27.100		18	<i>Leg. dir.</i>		17	19.28.620	169	1	84.55.050	182	1	82.08.0293	
	6	28A.27.110		19	<i>Em.</i>		18	<i>Repealer</i>	170	1	48.84.010	182	2	82.12.0293	
	7	28A.27.140	143	1	28A.02.320	157	1	<i>Intent</i>		2	48.84.020	183	1	n43.31.057	
133	1	84.52.053		2	28A.02.325		2	n27.60.090		3	48.84.030		2	43.31.057	
	2	84.52.054		3	<i>Leg. dir.</i>		2	27.60.090		4	48.84.040		3	<i>Approp.</i>	
	3	<i>Contingent Eff. date</i>		4	<i>Eff. date</i>	158	1	2.56.120		5	48.84.050		4	43.31.059	
	n84.52.053		144	1	n28A.02.320		2	7.68.160		6	48.84.060		5	<i>Sev.</i>	
134	1	<i>Temporary</i>		2	28A.41.130		3	28A.61.070		7	48.84.070	184	1	<i>Intent</i>	
	2	<i>Temporary</i>		n28A.41.130			4	28B.16.112		8	<i>Leg. dir.</i>		n43.31.057		
135	1	41.04.385	145	1	26.44.030		5	40.07.050		9	<i>Sev.</i>		n48.21.240		
	2	<i>Temporary</i>	146	1	72.33.125		6	41.06.163		10	<i>Eff. date</i>		2	48.21.240	
136	1	28B.85.010	147	1	28A.03.520		7	41.06.167			48.84.900		3	48.44.340	
	2	28B.85.020		2	28A.03.523		8	43.03.260			48.84.910		4	48.46.290	
	3	28B.85.030		3	28A.03.526		9	43.19.19052	171	1	<i>Repealer</i>		5	<i>Eff. date</i>	
	4	28B.85.040		4	28A.03.529		10	43.19.200		2	36.34.145		n48.21.240		
	5	28B.85.050		5	28A.03.532		11	43.19.650	172	1	50.63.010		6	<i>Sev.</i>	
	6	28B.85.060		6	28B.15.547		12	43.19.660		2	50.63.020		n48.21.240		
	7	28B.85.070		7	28A.03.535		13	43.52.378		3	50.63.030	185	1	10.85.030	
	8	28B.85.080		8	28A.03.538		14	43.52.510		4	50.63.040		2	10.85.040	
	9	28B.85.090		9	<i>Approp.</i>		15	43.52.618		5	50.63.050		3	10.85.050	
	10	28B.85.100	148	1	48.05.380		16	43.88A.030		6	50.63.060	186	1	46.16.010	
	11	28B.85.110		2	48.05.390		17	43.105.016		7	50.63.070		2	46.16.028	
	12	28B.85.120	149	1	9A.16.100		18	43.132.040		8	50.63.080		3	46.63.020	
	13	28B.85.130		2	9A.16.020		19	43.132.050		9	50.63.090		4	46.12.045	
	14	28B.85.140		3	28A.04.120		20	46.08.066		10	50.63.100		5	46.16.012	
	15	28B.85.150		4	28A.05.010		21	67.70.050		11	<i>Sev.</i>	187	1	74.34.030	
	16	28B.85.160	150	1	28A.34.100		22	74.04.630			50.63.901		2	74.34.040	
	17	28B.85.170		2	28A.34.110		23	82.01.135		12	50.63.900		3	74.34.050	
	18	28B.85.180		3	28A.34.120		24	<i>Temporary</i>	173	1	75.20.100		4	74.34.100	
	19	28B.85.190		4	28A.34.130		25	<i>Repealer</i>		2	75.20.103		5	74.34.110	
	20	28B.80.360		5	<i>Leg. dir.</i>	159	1	36.32.070		3	43.21B.005		6	74.34.120	
	21	<i>Sev.</i>	151	1	28A.58.087		2	42.12.050		4	75.20.130		7	74.34.130	
	22	28B.85.900	152	1	46.61.688		3	42.12.060		5	75.20.140		8	74.34.140	
	23	<i>Leg. dir.</i>		2	4.24.235		4	<i>Contingent Eff. date</i>		6	75.20.106		9	74.34.150	
	24	<i>Eff. date</i>		3	n46.61.688		n42.12.050		7	75.20.050		10	74.34.170		
	28B.85.902		153	1	9.41.098	160	1	39.58.080	174	1	<i>Eff. date</i>		11	74.34.160	
	28A.58.090			2	46.61.502		2	39.58.085		n46.12.020		12	<i>Sev.</i>		
137	1	28A.58.090		3	46.61.504	161	1	43.03.010		2	n46.12.020		13	<i>Leg. dir.</i>	
138	1	26.09.135		4	46.61.506		2	<i>Temporary</i>		3	n46.12.020	188	1	9A.36.030	
	2	26.21.125		5	46.20.308		3	<i>Eff. date</i>	175	1	74.46.360	189	1	54.28.055	
	3	26.26.132		6	88.02.095		n43.03.010		2	<i>Temporary</i>		2	<i>Em.</i>		
139	1	<i>Temporary</i>	154	1	43.43.130		4	3.34.130		3	74.46.410	190	1	16.67.122	
	2	<i>Temporary</i>		2	43.43.137		5	<i>Sev.</i>	176	1	46.20.041		2	16.67.120	
140	1	48.01.180		3	41.40.535		n43.03.010		2	41.40.223		3	16.67.150		
	2	48.20.500	155	4	<i>Em.</i>	162	1	72.09.110		3	41.40.225	191	1	43.200.200	
	3	48.21.280		1	43.03.300	163	1	41.24.150		4	41.40.235		2	43.200.210	
	4	48.44.420		2	43.03.305		2	41.24.160		5	41.26.120		3	70.98.095	
	5	48.46.490		3	43.03.310		3	41.24.230		6	41.26.125		4	<i>Constr.</i>	
	6	<i>Eff. date</i>		4	2.04.092	164	1	<i>Temporary</i>		7	41.26.160		5	43.200.905	
	n48.01.180			5	2.06.062	165	1	46.70.125		8	<i>Em.</i>		5	81.80.190	
	7	<i>Sev.</i>		6	2.08.092	166	1	28A.58.190	177	1	16.20.020		6	<i>Sev.</i>	
	n48.01.180			7	3.58.010	167	1	29.01.055		2	16.20.030			43.200.906	
141	1	<i>Intent</i>		8	43.03.010		2	29.04.040	178	1	20.01.482	192	1	49.17.100	
	2	48.88.010		9	43.03.028		3	29.04.055		2	20.01.484	193	1	51.12.045	
	3	48.88.020		10	34.12.100		4	29.07.065		3	20.01.486		2	72.09.100	
	4	48.88.030		11	42.17.370		5	29.07.151		4	20.01.488	194	1	10.95.180	
	5	48.88.040		12	43.03.040		6	29.13.020		5	20.01.490	195	1	5.60.020	
	6	48.88.050		13	43.105.045		7	29.13.048		6	20.01.010		2	5.60.050	
	7	48.88.060		14	<i>Repealer</i>		8	29.18.025		7	20.01.125	196	1	43.43.560	
	8	48.88.070		15	<i>Sev.</i>		9	29.21.060		8	20.01.130		2	43.43.565	
	9	<i>Leg. dir.</i>		n43.03.300			10	29.30.010		9	20.01.210		3	<i>Approp.</i>	
	10	<i>Em.</i>		16	<i>Contingent Eff. date</i>		11	29.30.081		10	20.01.220	197	1	18.27.020	
142	1	<i>Intent</i>		n43.03.300			12	29.30.310		11	20.01.230		2	18.27.210	
	2	48.90.010	156	1	19.28.005		13	29.34.125		12	20.01.240		3	18.27.230	
	3	48.90.020		2	19.28.010		14	29.36.010		13	20.01.460		4	18.27.240	
	4	48.90.030		3	19.28.060		15	29.51.110		14	20.01.610		5	18.27.250	
	5	48.90.040		4	19.28.070		16	28A.57.322		15	60.13.035		6	18.27.270	
	6	48.90.050		5	19.28.120		17	35.23.190		16	62A.9-204		7	18.27.300	
	7	48.90.060		6	19.28.123		18	35.24.080		17	<i>Repealer</i>		8	18.27.310	
	8	48.90.070		7	19.28.125		19	35.27.120	179	1	60.04.045		9	18.27.320	
	9	48.90.080		8	19.28.180		20	35A.12.080		2	60.24.075		10	18.27.340	
	10	48.90.090		9	19.28.190		21	35A.29.110		180	1	28A.03.510		11	18.27.350
	11	48.90.100		10	19.28.310		22	52.14.070	181	1	<i>Intent</i>		12	18.27.125	
	12	48.90.110		11	19.28.350		23	54.12.100			60.70.010		13	<i>Repealer</i>	
	13	48.90.120		12	19.28.360		24	68.16.180		2	60.70.020		14	18.27.110	
	14	48.90.130		13	19.28.540		25	<i>Repealer</i>		3	60.70.030		15	19.30.040	
	15	48.90.140		14	19.28.550		26	<i>Sev.</i>		4	60.70.040		16	19.30.081	
	16	48.90.150		15	19.28.570	168	1	n29.01.055		5	60.70.050		17	19.30.160	
	16	48.90.160					39.46.150		6	60.28.010		18	19.30.170		

**Codification Tables: 1986 Regular Session Laws—RCW**

Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.
	19	19.30.045		13	46.09.280		7	48.44.300		2	28B.15.556		4	24.03.030
	20	<i>Approp.</i>		14	46.09.290		8	48.44.310		3	28B.15.740		5	24.03.035
	21	<i>Em.</i>		15	<i>Repealer</i>		9	48.44.350	233	1	58.17.095		6	24.03.045
198	1	75.30.121		16	<i>Leg. dir.</i>		10	48.44.390		2	58.17.140		7	24.03.047
	2	75.30.125		17	<i>Eff. date</i>		11	48.44.400		3	<i>Applic.</i>		8	24.03.048
	3	75.30.150			n46.09.020		12	48.44.410			n58.17.095		9	24.03.050
	4	75.30.180	207	1	41.40.200		13	<i>Vetoed</i>	234	1	<i>Purpose</i>		10	24.03.055
	5	75.30.170	208	1	66.24.400		14	<i>Em.</i>			35.02.005		11	24.03.060
	6	75.30.160		2	<i>Eff. date</i>	224	1	n9.95.001		2	35.02.010		12	24.03.065
	7	75.30.050			n66.24.400		2	9.95.001		3	35.02.020		13	24.03.070
	8	75.28.014	209	1	9A.16.010		3	<i>Par. veto</i>		4	35.02.030		14	24.03.075
199	1	46.70.025		2	9A.16.040			9.95.003		5	35.02.035		15	24.03.100
200	1	51.36.100		3	n9A.16.040		4	9.95.005		6	35.02.037		16	24.03.103
	2	51.36.110	210	1	70.105.220		5	9.95.007		7	35.02.039		17	24.03.105
	3	51.48.260		2	70.105.235		6	9.95.009		8	35.02.040		18	24.03.110
	4	51.48.250		3	70.105.215		7	9.95.011		9	35.02.070		19	24.03.113
	5	51.48.270	211	1	82.45.032		8	9.95.015		10	35.02.078		20	24.03.115
	6	51.48.280		2	82.08.033		9	9.95.040		11	35.02.086		21	24.03.120
	7	51.48.290		3	82.12.033		10	9.95.052		12	35.02.090		22	24.03.125
	8	51.04.030		4	46.44.170		11	9.95.017		13	35.02.100		23	24.03.127
	9	51.04.040	212	1	5.62.020		12	9.95.0011		14	35.02.110		24	24.03.135
	10	51.52.050		2	5.62.030		13	9.95.0012		15	35.02.120		25	24.03.150
	11	51.52.060	213	1	46.64.020		14	<i>Repealer</i>		16	35.02.130		26	24.03.155
	12	51.08.095		2	46.63.110			n9.95.001		17	35.02.180		27	24.03.165
201	13	<i>Em.</i>	214	1	66.24.520		15	<i>Repealer</i>		18	35.02.190		28	24.03.180
	1	<i>Temporary</i>		2	66.08.050		16	<i>Eff. date</i>		19	35.02.200		29	24.03.183
	2	<i>Approp.</i>	215	1	43.88.010			n9.95.001		20	35.02.140		30	24.03.185
202	1	43.23.035		2	43.88.020		17	<i>Sev.</i>		21	35.02.210		31	24.03.190
	2	<i>Approp.</i>		3	43.88.030			n9.95.001		22	35.02.220		32	24.03.195
	3	<i>Vetoed</i>		4	43.88.110	225	1	n41.04.580		23	35.02.150		33	24.03.200
	4	<i>Vetoed</i>		5	43.88.160		2	41.04.580		24	35.02.160		34	24.03.205
	5	<i>Vetoed</i>		6	43.88.210		3	41.04.585		25	35.02.170		35	24.03.207
	6	<i>Vetoed</i>		7	<i>Repealer</i>		4	41.04.590		26	35.02.230		36	24.03.215
	7	<i>Sev.</i>		8	43.88.899		5	41.04.595		27	35.02.240		37	24.03.217
203		n43.23.035	216	1	18.135.025		6	<i>Leg. dir.</i>		28	35.02.250		38	24.03.220
	1	15.04.100		2	18.135.030		7	<i>Sev.</i>		29	35A.14.015		39	24.03.265
	2	15.17.230		3	18.135.060			n41.04.580		30	35A.14.050		40	24.03.295
	3	15.24.070		4	18.135.065	226	1	82.16.010		31	35A.14.140		41	24.03.300
	4	15.58.220	217	1	91.14.005		2	82.04.280		32	35A.29.090		42	24.03.302
	5	15.58.240		2	91.14.010		3	<i>Eff. date</i>		33	36.93.170		43	24.03.305
	6	16.38.060		3	91.14.020			n82.16.010		34	36.94.180		44	24.03.320
	7	17.21.090		4	91.14.030	227	1	43.30.040		35	52.08.025		45	24.03.325
	8	17.21.120		5	91.14.040		2	43.30.150		36	35A.03.005		46	24.03.330
	9	17.21.128		6	91.14.050	228	1	42.17.090		37	<i>Leg. rev.</i>		47	24.03.345
	10	17.21.130		7	91.14.060		2	42.17.105		38	<i>Leg. rev.</i>		48	24.03.350
	11	17.21.220		8	91.14.070		3	42.17.135		39	<i>Repealer</i>		49	24.03.360
	12	17.21.305		9	91.14.080		4	<i>Em.</i>		40	<i>Repealer</i>		50	24.03.380
	13	22.09.050		10	91.14.100	229	1	84.36.080		41	<i>Repealer</i>		51	24.03.385
	14	22.09.055		11	91.14.090		2	84.40.036		42	<i>Repealer</i>		52	24.03.390
	15	15.65.020		12	91.14.110		3	84.40.065		43	<i>Em.</i>		53	24.03.395
	16	15.66.010		13	<i>Leg. dir.</i>		4	<i>Applic.</i>	235	1	48.19.460		54	24.03.400
	17	69.04.331	218	1	<i>Short t.</i>			n84.36.080		2	48.19.470		55	24.03.405
	18	69.04.398			19.134.900		5	<i>Leg. rev.</i>		3	48.19.480		56	24.03.445
	19	15.36.595		2	19.134.010	230	1	19.09.010		4	48.19.490		57	24.03.386
	20	<i>Temporary</i>		3	19.134.020		2	19.09.020		5	<i>Leg. dir.</i>		58	24.03.388
	21	15.65.055		4	19.134.030		3	19.09.065	236	1	70.90.100		59	<i>Repealer</i>
	22	15.66.025		5	19.134.040		4	19.09.075		2	70.90.110	241	1	46.70.005
	23	<i>Vetoed</i>		6	19.134.050		5	19.09.076		3	70.90.120		2	46.70.011
	24	15.04.200		7	19.134.060		6	19.09.078		4	70.90.130		3	46.70.021
	25	<i>Sev.</i>		8	19.134.070		7	19.09.079		5	70.90.140		4	46.70.023
		n15.04.100		9	19.134.080		8	19.09.085		6	70.90.150		5	46.70.027
204	26	<i>Em.</i>		10	<i>Leg. dir.</i>		9	19.09.095		7	70.90.160		6	46.70.029
	1	43.168.100	219	1	2.28.100		10	19.09.097		8	70.90.170		7	46.70.031
	2	43.168.050		2	9A.52.090		11	19.09.100		9	70.90.180		8	46.70.041
	3	<i>Repealer</i>	220	1	74.09.545		12	19.09.200		10	70.90.190		9	46.70.061
205	1	70.43.010		2	<i>Approp.</i>		13	19.09.210		11	70.90.200		10	46.70.061
	2	70.43.020	221	1	84.26.020		14	19.09.230		12	70.90.210		11	46.70.070
	3	70.43.030		2	84.26.030		15	19.09.240		13	70.90.220		12	46.70.083
	4	<i>Leg. dir.</i>		3	84.26.040		16	19.09.190		14	70.90.230		13	46.70.101
206	1	46.09.020		4	84.26.050		17	19.09.271		15	70.90.902		14	46.70.102
	2	46.09.030		5	84.26.070		18	19.09.275		16	<i>Leg. dir.</i>		15	46.70.115
	3	46.09.050		6	84.26.080		19	<i>Repealer</i>		17	<i>Sev.</i>		16	46.70.120
	4	46.09.070		7	84.26.090		20	<i>Approp.</i>			70.90.910		17	46.70.170
	5	46.09.080	222	1	74.08.541		21	<i>Eff. date</i>	237	1	41.32.570		18	46.70.180
	6	46.09.110		2	<i>Em.</i>			19.09.913	238	1	84.33.120		19	46.70.190
	7	46.09.130	223	1	48.44.010		1	82.04.050		2	84.33.140		20	46.70.200
	8	46.09.170		2	48.44.020	231	2	82.04.190		3	<i>Em.</i>		21	46.70.210
	9	46.09.240		3	48.44.030		3	82.08.0295	239	1	42.17.190		22	46.70.260
	10	n46.09.240		4	48.44.080		4	82.12.0295	240	1	24.03.005		23	46.70.310
	11	46.09.250		5	<i>Vetoed</i>		5	<i>Em.</i>		2	24.03.015		24	<i>Repealer</i>
	12	43.30.380		6	48.44.290	232	1	28B.15.555		3	24.03.020		25	n46.70.005

**Codification Tables: 1986 Regular Session Laws—RCW**

Chap. Sec.	Rev. Code of Wash.	Chap. Sec.	Rev. Code of Wash.	Chap. Sec.	Rev. Code of Wash.	Chap. Sec.	Rev. Code of Wash.	Chap. Sec.	Rev. Code of Wash.
	26 n46.70.005	251	1 82.29A.160		7 18.130.130		71 18.39.320		128 18.78.054
	27 <i>Approp.</i>	252	1 35.72.050		8 18.130.160		72 18.39.330		129 18.78.050
	28 <i>Eff. dates</i>	253	1 35.10.217		9 18.130.170		73 <i>Repealer</i>		130 18.78.070
	n46.70.061	254	1 35.10.510		10 18.130.180		74 <i>Savings</i>		131 18.78.090
242	1 60.11.010		2 35.10.520		11 18.130.190		n18.39.175		132 <i>Repealer</i>
	2 60.11.020		3 35.10.530		12 18.130.200		75 18.50.126		133 <i>Savings</i>
	3 60.11.030		4 35.10.360		13 18.130.210		76 <i>Repealer</i>		<i>Table of</i>
	4 60.11.040		5 35.10.365		14 18.130.900		77 <i>Savings</i>		<i>dispo.</i>
	5 60.11.050		6 35.10.370		15 18.130.185		<i>Table of</i>		n18.78.135
	6 60.11.060		7 35.13.215		16 <i>Repealer</i>		<i>dispo.</i>		134 <i>Repealer</i>
	7 60.11.070		8 35.13.225		17 18.22.018		n18.50.100		135 18.88.096
	8 60.11.080		9 35.13.235		18 18.22.015		78 18.53.101		136 18.88.270
	9 60.11.090		10 52.04.111		19 <i>Repealer</i>		79 18.54.076		137 <i>Repealer</i>
	10 60.11.100		11 52.04.121		20 <i>Savings</i>		80 18.53.030		138 <i>Savings</i>
	11 60.11.110		12 52.04.131		<i>Table of</i>		81 18.53.100		n18.88.270
	12 60.11.120		13 52.06.110		<i>dispo.</i>		82 18.53.140		139 18.92.046
	13 60.11.130		14 52.06.120		n18.22.020		83 18.53.150		140 18.92.030
	14 60.11.140		15 52.06.130		21 18.25.019		84 18.54.070		141 18.92.070
	15 <i>Savings</i>		16 <i>Eff. date</i>		22 18.26.028		85 <i>Repealer</i>		142 18.92.120
	60.11.900		n35.10.510		23 18.25.017		86 <i>Savings</i>		143 18.92.125
	16 62A.9-310		17 <i>Em.</i>		24 18.25.090		n18.53.100		144 <i>Repealer</i>
	17 <i>Repealer</i>	255	1 82.08.0283		25 18.26.030		87 <i>Repealer</i>		145 <i>Savings</i>
	18 60.11.901		2 82.12.0277		26 18.26.110		88 <i>Savings</i>		<i>Table of</i>
	19 <i>Sev.</i>		3 <i>Eff. date</i>		27 <i>Repealer</i>		<i>Table of</i>		<i>dispo.</i>
	60.11.902		n82.08.0283		28 <i>Savings</i>		<i>dispo.</i>		n18.92.050
	20 <i>Leg. dir.</i>	256	1 56.20.020		<i>Table of</i>		n18.54.080		146 18.108.076
	21 <i>Eff. date</i>		2 56.20.030		<i>dispo.</i>		89 18.55.066		147 <i>Repealer</i>
	60.11.903		3 57.16.060		n18.25.010		90 <i>Repealer</i>		148 <i>Savings</i>
243	1 48.80.010	257	1 nCh. 9A.56		29 <i>Repealer</i>		91 <i>Savings</i>		<i>Table of</i>
	2 48.80.020		<i>Digest</i>		30 <i>Savings</i>		<i>Table of</i>		<i>dispo.</i>
	3 48.80.030		2 9A.56.010		n18.26.030		<i>dispo.</i>		n18.108.080
	4 48.80.040		3 9A.04.110		31 18.29.076		n18.55.070		149 43.24.110
	5 48.80.050		4 9A.36.011		32 <i>Repealer</i>		92 18.57.011		150 70.54.150
	6 48.80.060		5 9A.36.021		33 <i>Savings</i>		93 18.57A.025		151 70.54.190
	7 <i>Sev.</i>		6 9A.36.031		<i>Table of</i>		94 18.57.005		152 <i>Sev.</i>
	48.80.900		7 9A.36.041		<i>dispo.</i>		95 18.57A.030		n18.130.010
	8 <i>Leg. dir.</i>		8 10.99.020		n18.29.010		96 18.57A.040	260	1 53.08.310
244	1 70.150.010		9 <i>Repealer</i>		34 18.32.039		97 18.57A.050		2 53.08.320
	2 70.150.020		10 <i>Savings</i>		35 18.32.085		98 <i>Repealer</i>	261	1 18.100.050
	3 70.150.030		<i>Table of</i>		36 18.32.290		99 <i>Savings</i>		2 18.100.130
	4 70.150.040		<i>dispo.</i>		37 18.32.360		<i>Table of</i>		3 18.100.134
	5 70.150.050		nCh. 9A.36		38 18.32.390		<i>dispo.</i>		4 18.100.132
	6 70.150.060		11 <i>Leg. dir.</i>		39 18.32.500		n18.57.030		5 18.100.133
	7 70.150.070		12 <i>Eff. date</i>		40 18.32.520		100 18.59.141		6 82.04.431
	8 70.150.080		n9A.04.110		41 18.32.530		101 18.59.100		7 <i>Repealer</i>
	9 <i>Short t.</i>		13 9A.04.080		42 18.32.640		102 18.59.130	262	1 53.04.020
	70.150.900		14 9A.64.010		43 <i>Repealer</i>		103 <i>Repealer</i>		2 53.12.020
	10 35.23.351		15 <i>Temporary</i>		44 <i>Savings</i>		104 <i>Savings</i>		3 53.04.022
	11 35.94.050		16 43.10.232		n18.32.290		n18.59.100		4 <i>Exp. date</i>
	12 36.34.192		17 9.94A.030		45 18.34.136		105 18.71.019		n53.04.022
	13 39.04.175		18 9.94A.040		46 <i>Repealer</i>		106 18.71A.025	263	1 19.28.010
	14 54.04.092		19 9.94A.070		47 <i>Savings</i>		107 18.72.154	264	1 43.180.050
	15 56.08.092		20 9.94A.120		<i>Table of</i>		108 18.71.030		2 43.180.160
	16 57.08.017		21 9.94A.190		<i>dispo.</i>		109 18.71.050		3 43.180.200
	17 <i>Leg. dir.</i>		22 9.94A.310		n18.34.090		110 18.71.095		4 <i>Repealer</i>
	18 <i>Sev.</i>		23 9.94A.320		48 <i>Repealer</i>		111 18.71.200		5 <i>Em.</i>
	70.150.905		24 9.94A.330		49 18.36.136		112 18.71.230	265	1 82.08.0296
	19 <i>Em.</i>		25 9.94A.360		50 18.36.010		113 18.71A.040		2 82.12.0296
245	1 35.21.300		26 9.94A.370		51 18.36.020		114 18.71A.050	266	1 n38.52.005
	2 35.21.301		27 9.94A.390		52 18.36.030		115 18.72.020		2 <i>Temporary</i>
	3 54.16.285		28 9.94A.400		53 18.36.040		116 18.72.150		3 <i>Temporary</i>
	4 54.16.286		29 9.94A.410		54 18.36.050		117 18.72.265		4 <i>Temporary</i>
	5 80.28.010		30 9.94A.440		55 18.36.060		118 18.73.020		5 <i>Temporary</i>
	6 80.28.011		31 9A.44.070		56 18.36.130		119 <i>Repealer</i>		6 <i>Temporary</i>
	7 <i>Repealer</i>		32 9A.56.080		57 <i>Repealer</i>		120 <i>Savings</i>		7 <i>Temporary</i>
246	1 43.17.150		33 13.50.050		<i>Savings</i>		<i>Table of</i>		8 41.06.072
247	1 <i>Intent</i>		34 9.94A.110		<i>Table of</i>		<i>dispo.</i>		9 27.34.020
	n39.86.031		35 <i>Repealer</i>		<i>dispo.</i>		n18.71.020		10 27.34.210
	2 39.86.031		36 <i>Temporary</i>		n18.36.140		121 <i>Repealer</i>		11 27.34.220
	3 <i>Temporary</i>		37 <i>Sev.</i>		59 18.39.178		122 <i>Savings</i>		12 27.34.230
	4 <i>Em.</i>		n9A.56.010		60 18.39.130		<i>Table of</i>		13 27.34.240
248	1 35.21.685		38 <i>Eff. date</i>		61 18.39.145		<i>dispo.</i>		14 27.34.270
	2 36.32.415		n9.94A.030		62 18.39.148		n18.72.030		15 27.34.280
249	1 <i>Approp.</i>	258	1 56.24.210		63 18.39.150		123 18.74.029		16 27.53.020
	2 <i>Eff. date</i>		2 57.24.200		64 18.39.175		124 18.74.023		17 27.53.030
250	1 9A.42.010	259	1 18.130.010		65 18.39.181		125 18.74.090		18 27.53.060
	2 9A.42.020		2 18.130.020		66 18.39.231		126 <i>Repealer</i>		19 27.53.080
	3 9A.42.030		3 18.130.040		67 18.39.260		127 <i>Savings</i>		20 27.53.090
	4 9A.42.040		4 18.130.070		68 18.39.280		<i>Table of</i>		21 28A.24.172
	5 9A.42.050		5 18.130.080		69 18.39.290		<i>dispo.</i>		22 38.52.005
	6 <i>Leg. dir.</i>		6 18.130.090		70 18.39.300		n18.74.080		23 38.52.010

**Codification Tables: 1986 Regular Session Laws—RCW**

Chap. Sec.	Rev. Code of Wash.	Chap. Sec.	Rev. Code of Wash.	Chap. Sec.	Rev. Code of Wash.	Chap. Sec.	Rev. Code of Wash.	Chap. Sec.	Rev. Code of Wash.
24	38.52.020	104	70.77.330	272	1 43.131.269	44	86.09.439	280	57 <i>Vetoed</i>
25	38.52.030	105	70.77.355		2 43.131.270	45	86.09.562		1 46.16.650
26	38.52.037	106	70.77.360		3 <i>Vetoed</i>	46	<i>Par. veto</i>		2 46.16.660
27	38.52.050	107	70.77.365	273	1 <i>Vetoed</i>		<i>Repealer</i>		3 27.60.080
28	38.52.070	108	70.77.375		2 <i>Repealer</i>	47	<i>Repealer</i>		4 46.16.270
29	38.52.090	109	70.77.415	274	1 71.24.015	48	35.44.090	281	5 <i>Repealer</i>
30	38.52.170	110	70.77.430		2 71.24.025	49	52.12.140		1 n80.36.400
31	38.52.207	111	70.77.435		3 71.24.035	50	85.38.190		2 80.36.400
32	38.52.210	112	70.77.440		4 71.24.039	51	<i>Repealer</i>	282	1 39.04.010
33	38.52.240	113	70.77.450		5 71.24.045	52	86.09.151		2 39.04.020
34	38.52.250	114	70.77.455		6 71.24.049	53	90.03.520		3 39.04.050
35	38.52.300	115	70.77.460		7 <i>Constr.</i>	54	90.03.525		4 39.04.070
36	38.52.310	116	70.77.465		8 <i>Vetoed</i>	55	35.67.025		5 <i>Repealer</i>
37	38.52.320	117	70.77.575		9 71.24.155	56	35.92.021		6 82.18.010
38	38.52.330	118	70.77.580		10 71.24.260	57	36.89.085		7 82.18.020
39	38.52.340	119	70.105.020		11 <i>Eff. date</i>	58	36.94.145		8 82.18.030
40	38.52.360	120	70.108.040		n71.24.015	59	56.08.012		9 82.18.040
41	38.52.370	121	70.160.060		1 40.14.020	60	86.15.160		10 82.18.050
42	38.52.390	122	71.12.485	275	2 <i>Vetoed</i>	61	86.15.176		11 82.18.060
43	38.52.400	123	74.15.050		3 <i>Approp.</i>	62	90.03.500		12 82.18.070
44	38.52.410	124	74.15.080		1 53.31.010	63	90.03.510		13 82.18.080
45	40.10.020	125	<i>Temporary</i>	276	2 53.31.020	64	84.64.050		14 82.16.020
46	<i>Vetoed</i>	126	<i>Temporary</i>		3 53.31.030	65	<i>Sev.</i>	279	15 <i>Leg. dir.</i>
47	<i>Vetoed</i>	127	<i>Temporary</i>		4 <i>Par. veto</i>	n36.01.010		1 30.04.030	
48	43.220.070	128	<i>Temporary</i>		5 53.31.040	1 30.04.075		2 30.04.075	
49	46.16.340	129	<i>Temporary</i>		6 53.31.050	3 30.04.111		3 30.04.111	
50	70.136.030	130	<i>Temporary</i>		7 42.17.310	4 30.04.120		4 30.04.120	
51	80.50.030	131	<i>Temporary</i>		8 42.30.110	5 30.04.125		5 30.04.125	
52	<i>Leg. rev.</i>	132	<i>Temporary</i>		9 <i>Leg. dir.</i>	6 30.04.130		6 30.04.130	
53	<i>Repealer</i>	133	<i>Temporary</i>		10 <i>Exp. date</i>	7 30.04.140		7 30.04.140	
54	43.63A.300	134	<i>Temporary</i>		11 <i>Sev.</i>	8 30.04.180		8 30.04.180	
55	<i>Par. veto</i>	135	<i>Repealer</i>		1 53.31.900	9 30.04.210		9 30.04.210	
	43.63A.310	136	43.63A.020		2 53.31.010	10 30.04.215		10 30.04.215	
	43.63A.320	137	43.63A.065		3 53.31.901	11 30.04.225		11 30.04.225	
	43.63A.330	138	<i>Sev.</i>	277	1 n38.52.005	12 30.04.238		12 30.04.238	
	43.63A.340		n38.52.005		2 <i>Par. veto</i>	13 30.04.380		13 30.04.380	
	43.63A.350	139	<i>Em.</i>		1 86.01.010	14 30.04.390		14 30.04.390	
	43.63A.360	140	<i>Vetoed</i>	278	1 36.01.010	15 30.04.405		15 30.04.405	
	43.63A.370	267	1 <i>Short t.</i>		2 36.32.120	16 30.04.395		16 30.04.395	
	28C.50.010		37.12.140		3 35.22.280	17 30.08.010		17 30.08.010	
	28C.50.050	2	<i>Intent</i>		4 35.23.440	18 30.08.020		18 30.08.020	
	28C.51.010		37.12.100		5 35.24.290	19 30.08.050		19 30.08.050	
	28C.51.050	3	37.12.110		6 35.27.370	20 30.08.060		20 30.08.060	
	48.05.320	4	37.12.120		7 35A.11.020	21 30.08.070		21 30.08.070	
	48.48.030	5	<i>Vetoed</i>		8 85.38.200	22 30.08.082		22 30.08.082	
	48.48.040	6	37.12.130		9 85.38.210	23 30.08.083		23 30.08.083	
	48.48.045	7	<i>Leg. dir.</i>		10 85.38.220	24 30.08.084		24 30.08.084	
	48.48.050	8	<i>Sev.</i>		11 85.05.605	25 30.08.086		25 30.08.086	
	48.48.060		n37.12.100		12 85.06.545	26 30.08.087		26 30.08.087	
	48.48.065	268	1 41.26.450		13 85.08.895	27 30.08.088		27 30.08.088	
	48.48.070		2 41.32.775		14 85.24.025	28 30.08.090		28 30.08.090	
	48.48.080		3 41.40.330		15 85.36.050	29 30.08.140		29 30.08.140	
	48.48.090		4 41.40.361		16 86.09.710	30 30.12.010		30 30.12.010	
	48.48.110		5 41.40.370		17 53.48.010	31 30.12.020		31 30.12.020	
	48.50.020		6 41.40.650		18 85.38.230	32 30.12.025		32 30.12.025	
	28C.04.040		7 <i>Vetoed</i>		19 85.38.240	33 30.12.030		33 30.12.030	
	4.24.400	269	1 43.20A.710		20 85.38.250	34 30.12.050		34 30.12.050	
	9.40.100		2 41.06.475		21 85.38.260	35 30.12.110		35 30.12.110	
	18.20.130		3 26.44.070		22 85.38.270	36 30.12.115		36 30.12.115	
	18.46.110		4 <i>Par. veto</i>		23 85.05.355	37 30.12.205		37 30.12.205	
	18.51.140		72.01.045		24 85.06.255	38 30.20.060		38 30.20.060	
	18.51.145		5 <i>Repealer</i>		25 85.08.285	39 30.40.020		39 30.40.020	
	19.27A.110	270	1 43.131.215		26 85.24.235	40 30.04.550		40 30.04.550	
	28A.04.120		2 43.131.216		27 85.36.040	41 30.04.555		41 30.04.555	
	43.43.710		3 43.131.301		28 86.09.621	42 30.04.560		42 30.04.560	
	46.37.467		4 43.131.302		29 85.05.360	43 30.49.010		43 30.49.010	
	48.48.140		5 43.131.303		30 85.06.330	44 30.04.575		44 30.04.575	
	48.48.150		6 43.131.304		31 85.08.210	45 30.43.010		45 30.43.010	
	48.50.040		7 43.131.319		32 85.08.320	46 30.04.600		46 30.04.600	
	48.53.020		8 43.131.320		33 85.16.030	47 30.04.605		47 30.04.605	
	48.53.060		9 46.10.220		34 85.16.180	48 30.04.610		48 30.04.610	
	70.41.080		10 <i>Par. veto</i>		35 85.20.070	49 30.49.040		49 30.49.040	
	70.62.290		<i>Repealer</i>		36 85.20.120	50 30.12.230		50 30.12.230	
	70.75.020		11 <i>Em.</i>		37 85.22.060	51 <i>Repealer</i>		51 <i>Repealer</i>	
	70.75.030	271	1 70.119A.010		38 85.24.160	52 <i>Leg. dir.</i>		52 <i>Leg. dir.</i>	
	70.75.040		2 70.119A.020		39 85.32.140	53 <i>Intent</i>		53 <i>Intent</i>	
	70.77.170		3 70.119A.030		40 86.09.157	n30.04.900		n30.04.900	
	70.77.250		4 70.119A.040		41 85.38.010	54 30.04.900		54 30.04.900	
	70.77.305		5 70.119A.050		42 85.38.070	55 <i>Vetoed</i>		55 <i>Vetoed</i>	
	70.77.315		6 <i>Vetoed</i>		43 86.09.430	56 <i>Vetoed</i>		56 <i>Vetoed</i>	
	70.77.325		7 <i>Leg. dir.</i>					57 13.40.027	

**Codification Tables: 1986 Regular Session Laws—RCW**

Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.	Chap.	Sec.	Rev. Code of Wash.
	10	13.40.036		12	<i>Applic.</i>		2	<i>Vetoed</i>		906	<i>Em.</i>		18	<i>Constr.</i>
	11	13.50.010			n48.14.020	303	1	<i>Intent</i>	313	1	<i>Approp.</i>			19.120.903
	12	<i>Em.</i>		13	<i>Eff. date</i>			n74.09.522		2	<i>Approp.</i>		19	<i>Short t.</i>
	13	<i>Sev.</i>			n48.14.020		2	74.09.522		3	<i>Approp.</i>			19.120.900
289	1	n13.32A.050	297	1	<i>Par. veto</i>		3	<i>Temporary</i>		4	<i>Approp.</i>		20	<i>Temporary</i>
290	1	47.10.802			70.95.255		4	<i>Approp.</i>		5	<i>Approp.</i>		21	<i>Approp.</i>
	2	47.10.803	298	1	43.185.010		5	<i>Approp.</i>		6	<i>Approp.</i>		22	<i>Sev.</i>
	3	47.26.421		2	43.185.030		6	70.14.010		7	<i>Approp.</i>			19.120.904
	4	47.26.422		3	43.185.020		7	70.14.020		8	<i>Approp.</i>		23	<i>Leg. dir.</i>
	5	47.26.423		4	<i>Vetoed</i>		8	70.14.030		9	<i>Approp.</i>		24	<i>Eff. date</i>
	6	47.10.791		5	43.185.040		9	70.14.040		10	<i>Approp.</i>			19.120.905
	7	47.10.792		6	43.185.050		10	70.14.050		11	<i>Approp.</i>	321	1	<i>Intent</i>
	8	47.60.560		7	43.185.060		11	<i>Par. veto</i>		12	<i>Approp.</i>			n82.24.500
	9	47.60.570		8	43.185.070			43.41.160		13	<i>Approp.</i>		2	<i>Par. veto</i>
291	1	<i>Par. veto</i>		9	43.185.080		12	<i>Temporary</i>		14	<i>Approp.</i>			19.91.010
		<i>Approp.</i>		10	43.185.090		13	<i>Leg. dir.</i>		15	<i>Temporary</i>		3	<i>Repealer</i>
	2	<i>Em.</i>		11	43.185.100		14	<i>Em.</i>		16	43.10.100		4	82.24.500
292	1	<i>Par. veto</i>		12	<i>Vetoed</i>	304	1	21.20.430		17	<i>Em.</i>		5	82.24.510
		90.58.030		13	<i>Sev.</i>		2	<i>Sev.</i>	314	1	<i>Vetoed</i>		6	82.24.520
	2	90.58.180			43.185.900			n21.20.430		2	<i>Vetoed</i>		7	82.24.530
	3	90.58.190	299	14	<i>Leg. dir.</i>	305	100	n4.16.160		3	<i>Vetoed</i>		8	82.24.540
	4	90.58.210		2	28C.10.010		101	5.60.060		4	60.04.115		9	82.24.550
	5	<i>Sev.</i>		3	28C.10.020		201	4.24.005		5	60.28.015		10	82.24.560
		n90.58.030		4	28C.10.030		202	<i>Applic.</i>	315	1	84.33.035		11	<i>Savings</i>
293	1	51.08.030		5	28C.10.040			n4.24.005		2	84.33.073			n82.24.500
	2	<i>Vetoed</i>		6	28C.10.050		301	4.56.250		3	84.33.145		12	<i>Leg. dir.</i>
294	1	43.250.010		7	28C.10.060		401	4.22.070		4	<i>Vetoed</i>		13	19.91.300
	2	43.250.020		8	28C.10.070		402	4.22.030		5	<i>Vetoed</i>		14	<i>Repealer</i>
	3	43.250.030		9	28C.10.080		403	51.24.060		6	<i>Vetoed</i>		15	<i>Eff. date</i>
	4	43.250.040		10	28C.10.090		501	4.24.420		7	<i>Vetoed</i>			n82.24.500
	5	43.250.050		11	28C.10.100		502	4.16.350		8	84.33.175	322	1	<i>Vetoed</i>
	6	<i>Par. veto</i>		12	28C.10.110		601	4.24.115		9	<i>Eff. date</i>		2	<i>Par. veto</i>
		43.250.060		13	28C.10.120		701	4.16.160			n84.33.175			10.19.090
	7	43.250.070		14	28C.10.130		702	4.16.310	316	1	<i>Special</i>		3	10.19.140
	8	43.250.080		15	28C.10.140		703	4.16.300		2	<i>Par. veto</i>		4	10.19.150
	9	43.250.090		16	28C.10.150		801	4.56.260			<i>Special</i>		5	10.19.160
	10	<i>Vetoed</i>		17	28C.10.160		802	<i>Repealer</i>		3	<i>Special</i>		6	<i>Sev.</i>
	11	36.29.022		18	28C.10.170		901	5.40.050		4	<i>Special</i>			n10.19.090
	12	56.16.160		19	28C.10.180		902	5.40.060		5	<i>Em.</i>	323	1	<i>Par. veto</i>
	13	57.20.160		20	28C.10.190		903	4.24.264	317	1	<i>Intent</i>			43.10.045
	14	<i>Approp.</i>		21	28C.10.200		904	4.24.268			n41.40.150	324	1	<i>Short t.</i>
	15	<i>Leg. dir.</i>		22	28C.10.210		905	7.70.090		2	41.32.500			18.11.901
295	1	18.04.025		23	<i>Vetoed</i>		906	48.22.050		3	41.40.150		2	18.11.050
	2	18.04.035		24	18.50.040		907	48.19.450		4	41.40.527		3	18.11.060
	3	18.04.045		25	42.17.310		908	<i>Temporary</i>		5	41.40.120		4	18.11.070
	4	18.04.055		26	<i>Repealer</i>		909	n4.16.160		6	44.44.040		5	18.11.085
	5	<i>Vetoed</i>		27	<i>Sev.</i>		910	<i>Applic.</i>		7	<i>Temporary</i>		6	18.11.095
	6	18.04.105			28C.10.900			n4.16.160		8	<i>Temporary</i>		7	18.11.100
	7	18.04.185		28	28C.10.910		911	<i>Sev.</i>		9	<i>Par. veto</i>		8	18.11.121
	8	18.04.195		29	<i>Leg. dir.</i>			n4.16.160		10	<i>Approp.</i>		9	18.11.130
	9	18.04.205		30	<i>Approp.</i>		912	<i>Em.</i>		11	41.04.330		10	18.11.140
	10	18.04.215		31	<i>Eff. date</i>	306	1	43.88.085		12	n41.40.150		11	18.11.150
	11	18.04.295			28C.10.902		2	41.32.485		13	<i>Em.</i>		12	18.11.160
	12	18.04.305	300	1	n18.72.040		3	41.40.198		14	<i>Par. veto</i>	318	1	18.11.170
	13	18.04.320		2	<i>Par. veto</i>		4	<i>Approp.</i>		15	77.21.070		2	18.11.180
	14	18.04.335			18.72.040		5	<i>Eff. date</i>		16	n43.88.085		3	18.11.190
	15	18.04.345		3	<i>Vetoed</i>			n43.88.085	307	1	<i>Intent</i>		4	18.11.200
	16	18.04.350		4	70.41.200			n36.37.150		2	<i>Vetoed</i>	319	1	<i>Vetoed</i>
	17	18.04.380		5	18.72.165			36.37.160		3	9.68A.090		2	18.11.210
	18	18.04.390		6	18.72.340			36.37.150		3	9.68A.110		3	18.11.220
	19	18.04.405		7	70.41.210			67.28.210	308	1	<i>Par. veto</i>		4	18.11.230
	20	<i>Sev.</i>		8	70.41.220			39.84.020		2	19.120.010	320	1	18.11.240
		18.04.901		9	18.57.174			<i>Sev.</i>		3	<i>Vetoed</i>		2	18.11.250
	21	<i>Repealer</i>		10	18.57.245			n67.28.210		3	19.120.020		3	<i>Vetoed</i>
	22	18.04.920		11	70.41.230		309	39.84.020		4	19.120.030		4	18.11.260
	23	<i>Leg. rev.</i>		12	<i>Sev.</i>	310	1	49.70.170		5	19.120.040		5	<i>Repealer</i>
	24	<i>Eff. date</i>			n18.72.040		2	49.70.177		6	19.120.050		6	<i>Sev.</i>
		18.04.911	301	1	9.94A.123		1	52.12.031	311	1	19.120.060		7	18.11.902
	1	48.14.020		2	n9.94A.123		2	52.12.125		8	19.120.070		8	<i>Leg. dir.</i>
	2	48.14.025		3	<i>Par. veto</i>			<i>Par. veto</i>	312	101-	19.120.080		9	<i>Eff. date</i>
	3	41.16.050			9.94A.120		819	<i>Omnibus</i>		9	19.120.090		10	18.11.903
	4	41.24.030		4	9.94A.120			<i>Approp.</i>		10	19.120.100		11	43.41.170
	5	82.02.030		5	<i>Constr.</i>			<i>Act</i>		11	19.120.110	325	1	n43.41.170
	6	<i>Vetoed</i>			n9.94A.123			<i>(Uncod.)</i>		12	19.120.120		2	<i>Par. veto</i>
	7	48.02.190		6	n9.94A.123		901	41.05.040		13	19.120.130			43.19.680
	8	48.44.145		7	<i>Repealer</i>		902	43.19.610		14	19.120.140		3	<i>Par. veto</i>
	9	48.46.120		8	<i>Eff. date</i>		903	<i>Approp.</i>		15	<i>Applic.</i>		4	43.41.175
	10	<i>Repealer</i>			n9.94A.120		904	<i>Repealer</i>		16	<i>Vetoed</i>		5	<i>Leg. dir.</i>
	11	<i>Sev.</i>		9	<i>Em.</i>	302	1	48.62.040		17	<i>Intent</i>			
		n48.14.020									19.120.902			



# DISPOSITION OF FORMER RCW SECTIONS

This table contains a numerical list of RCW sections no longer appearing in the code because of the repeal, expiration, decodification, or recodification of the sections. Each entry gives the affected RCW number, its caption, and the section's session law source and disposition. The text of the section can be found by referring to the session law source citation contained in brackets.

2.36.031 **Grand jury—How summoned.** [1951 c 90 § 1.] Repealed by 1971 ex.s. c 67 § 20. Later enactment, see RCW 10.27.030.

Labels: section number (2.36.031), caption (Grand jury—How summoned.), session law source ([1951 c 90 § 1.]), disposition (Repealed by 1971 ex.s. c 67 § 20.), similar section (where applicable) (see RCW 10.27.030.)

## Title 1

### GENERAL PROVISIONS

#### Chapter 1.08

#### STATUTE LAW COMMITTEE (CODE REVISER)

**1.08.100 Data processing services to be provided—Legislative information system—Personnel—Contracts.** [1969 ex.s. c 212 § 5.] Repealed by 1986 c 61 § 13, effective July 1, 1986.

## Title 4

### CIVIL PROCEDURE

#### Chapter 4.56

#### JUDGMENTS--GENERALLY

**4.56.240 Judgment or award in civil action or arbitration for personal injuries—Damages awarded may be in form of annuity plan.** [1975-'76 2nd ex.s. c 56 § 5.] Repealed by 1986 c 305 § 802.

#### Chapter 4.92

#### ACTIONS AND CLAIMS AGAINST STATE

**4.92.131 Tortious conduct of state—Funds transferred—Account abolished.** [1969 c 140 § 4.] Repealed by 1986 c 126 § 13.

## Title 9

### CRIMES AND PUNISHMENTS

(See also Washington Criminal Code, Title 9A RCW)

#### Chapter 9.94A

#### SENTENCING REFORM ACT OF 1981

**9.94A.122 Sentences—Applicable to offenses committed after July 1, 1985.** [1985 c 443 § 8.] Repealed by 1986 c 257 § 35, effective July 1, 1986; and by 1986 c 301 § 7.

**9.94A.300 Effective date of RCW 9.94A.310 through 9.94A.450.** [1983 c 115 § 1.] Repealed by 1986 c 257 § 35, effective July 1, 1986.

## Title 9A

### WASHINGTON CRIMINAL CODE

(See also Crimes and Punishments, Title 9 RCW)

#### Chapter 9A.36

#### ASSAULT AND OTHER CRIMES INVOLVING PHYSICAL HARM

**Savings—1986 c 257 § 9:** "The enactment of section 9 of this act does not have the effect of terminating or in any way modifying any criminal liability in existence prior to the \*effective date of this act, nor affecting any proceeding instituted under the sections repealed." [1986 c 257 § 10.]

**\*Reviser's note:** The effective date of 1986 c 257 §§ 3 through 10 is July 1, 1987. See note following RCW 9A.04.110.

**9A.36.010 Assault in the first degree.** [1975 1st ex.s. c 260 § 9A.36.010.] Repealed by 1986 c 257 § 9, effective July 1, 1987. Later enactment, see RCW 9A.36.011.

**9A.36.020 Assault in the second degree.** [1979 ex.s. c 244 § 9; 1975-'76 2nd ex.s. c 38 § 5; 1975 1st ex.s. c 260 § 9A.36.020.] Repealed by 1986 c 257 § 9, effective July 1, 1987. Later enactment, see RCW 9A.36.021.

**9A.36.030 Assault in the third degree.** [1982 c 140 § 1; 1979 ex.s. c 244 § 10; 1975 1st ex.s. c 260 § 9A.36.030.] Repealed by 1986 c 257 § 9, effective July 1, 1987. Later enactment, see RCW 9A.36.031.

**Reviser's note:** This section was also amended by 1986 c 188 § 1 without cognizance of the repeal thereof.

**9A.36.040 Simple assault.** [1985 c 303 § 8; 1984 c 263 § 18; 1975 1st ex.s. c 260 § 9A.36.040.] Repealed by 1986 c 257 § 9, effective July 1, 1987. Later enactment, see RCW 9A.36.041.

## Title 18

### BUSINESSES AND PROFESSIONS

#### Chapter 18.04

#### ACCOUNTANCY

**18.04.930 Transfer of property, appropriations, etc., to Washington board of accountancy—1983 c 234.** [1983 c 234 § 25.] Decodified pursuant to 1986 c 295 § 23, effective July 1, 1986.

**18.04.931 Transfer of employees to Washington board of accountancy—1983 c 234.** [1983 c 234 § 26.] Decodified pursuant to 1986 c 295 § 23, effective July 1, 1986.

**18.04.932 Transfer not to affect validity of acts—1983 c 234.** [1983 c 234 § 27.] Decodified pursuant to 1986 c 295 § 23, effective July 1, 1986.

**18.04.933 Transfer—Rules, pending business, and contracts and obligations—1983 c 234.** [1983 c 234 § 28.] Decodified pursuant to 1986 c 295 § 23, effective July 1, 1986.

**18.04.934 Transfer—Apportionment of budgeted funds—1983 c 234.** [1983 c 234 § 29.] Decodified pursuant to 1986 c 295 § 23, effective July 1, 1986.

#### Chapter 18.11 AUCTIONEERS

**18.11.080 Applicants for certificate of registration—Licensing—Fees.** [1985 c 7 § 8; 1982 c 205 § 3.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.11.090 Qualifications for license—Applications—Issuance fee—Renewal.** [1982 c 205 § 7.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.11.110 Trainee auctioneer's license.** [1985 c 7 § 10; 1982 c 205 § 9.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.11.120 Surety bond or trust account required.** [1984 c 189 § 3; 1982 c 205 § 10.] Repealed by 1986 c 324 § 26, effective July 1, 1986. Later enactment, see RCW 18.11.121.

**18.11.900 Short title.** [1982 c 205 § 1.] Repealed by 1986 c 324 § 26, effective July 1, 1986. Later enactment, see RCW 18.11.901.

**18.11.910 Termination of chapter.** [1982 c 205 § 19.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

#### Chapter 18.12 AUCTIONS OF JEWELRY OR APPLIANCES

**18.12.010 Definitions.** [1953 c 239 § 1.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.020 License required.** [1953 c 239 § 2.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.030 Application requisites—Place of sale—Prior conviction of applicant.** [1953 c 239 § 3.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.040 Application requisites—Prior conviction of employee.** [1953 c 239 § 7.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.050 Application requisites—In general.** [1953 c 239 § 4.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.060 Application requisites—Additions to inventory—Prior auctions.** [1953 c 239 § 5.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.070 Application requisites—Inventory—Goods to be marked.** [1953 c 239 § 6.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.080 Application requisites—Verification.** [1953 c 239 § 8.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.090 License in addition to any other.** [1953 c 239 § 19.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.100 Duration of license.** [1953 c 239 § 14.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.110 License—Fee—Bond—Right of action—Liability.** [1953 c 239 § 16.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.120 County commissioners may suspend, restore license—Appeal.** [1953 c 239 § 17.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.130 Sale of noninventoried articles prohibited—Supplemental inventory.** [1953 c 239 § 9.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.140 Articles stocked within sixty days prior to application.** [1953 c 239 § 10.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.150 Merchandise to be truly represented and inventory made available.** [1953 c 239 § 11.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.160 Sale of falsely described articles prohibited.** [1953 c 239 § 12.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.170 Notice that purchases may be returned.** [1953 c 239 § 13.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.180 Applicant's responsibility to comply with chapter.** [1953 c 239 § 15.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.190 When chapter does not apply.** [1953 c 239 § 18.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.200 Penalty.** [1953 c 239 § 20.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

**18.12.900 Severability—1953 c 239.** [1953 c 239 § 21.] Repealed by 1986 c 324 § 26, effective July 1, 1986.

#### Chapter 18.22 PODIATRY

**18.22.016 Board—Members and staff immunity from suit.** [1982 c 21 § 11.] Repealed by 1986 c 259 § 19.

**18.22.017 Option to adopt uniform disciplinary act.** [1984 c 279 § 26.] Repealed by 1986 c 259 § 19. Later enactment, see RCW 18.22.018.

**18.22.020 Licensing required.** [1982 c 21 § 3; 1973 c 77 § 2; 1957 c 52 § 13. Prior: 1917 c 38 § 2, part; RRS § 10075, part.] Repealed by 1986 c 259 § 19.

**Savings—1986 c 259 § 19:** "The repeal of RCW 18.22.020, 18.22.141, and 18.22.151 shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 20.]

**18.22.141 Suspension of podiatrist's license for mental incompetency or illness—Procedure—Implied consent to examination.** [1982 c 21 § 15.] Repealed by 1986 c 259 § 19.

**Savings—1986 c 259 § 19:** See note following RCW 18.22.020.

**18.22.151 Revocation, suspension, denial of podiatrist's license—Unprofessional conduct as grounds—Scope.** [1982 c 21 § 16.] Repealed by 1986 c 259 § 19.

**Savings—1986 c 259 § 19:** See note following RCW 18.22.020.

**18.22.215 Injunctions.** [1983 c 3 § 24; 1982 c 21 § 18; 1973 c 77 § 18; 1955 c 149 § 14.] Repealed by 1986 c 259 § 19.

#### Chapter 18.25 CHIROPRACTIC

**18.25.010 Practice without license unlawful.** [1919 c 5 § 4; RRS § 10099.] Repealed by 1986 c 259 § 27.

**Savings—1986 c 259 § 27:** "The repeal of RCW 18.25.010 and 18.25.050 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 28.]

**18.25.018 Option to adopt uniform disciplinary act.** [1984 c 279 § 27.] Repealed by 1986 c 259 § 27. Later enactment, see RCW 18.25.019.

**18.25.050 Revocation or refusal of licenses—Hearing—Restoration.** [1985 c 7 § 16; 1981 c 277 § 2; 1975 1st ex.s. c 30 § 21; 1919 c 5 § 8; RRS § 10103.] Repealed by 1986 c 259 § 27.

**Reviser's note:** RCW 18.25.050 was repealed during the 1986 legislative session without reference to its amendment during the 1985 legislative session. It has been decodified for publication purposes pursuant to RCW 1.12.025.

**Savings—1986 c 259 § 27:** See note following RCW 18.25.010.

#### Chapter 18.26 CHIROPRACTIC DISCIPLINARY BOARD

**18.26.027 Option to adopt uniform disciplinary act.** [1984 c 279 § 28.] Repealed by 1986 c 259 § 29. Later enactment, see RCW 18.26.028.



**18.26.035 Unprofessional conduct—Filing of certificate or order of revocation or suspension of license—Appeal.** [1979 c 158 § 19; 1974 ex.s. c 97 § 15.] Repealed by 1986 c 259 § 29.

**Savings—1986 c 259 §§ 25, 29:** See note following RCW 18.26.030.

**18.26.037 Mental or physical examination of chiropractor—Authority of board—Admissibility—Limitation.** [1975 1st ex.s. c 39 § 9.] Repealed by 1986 c 259 § 29.

**Savings—1986 c 259 §§ 25, 29:** See note following RCW 18.26.030.

**18.26.100 Immunity from suit.** [1967 c 171 § 10.] Repealed by 1986 c 259 § 29.

**18.26.120 Complaints—Hearing committee—Administrative law judge.** [1981 c 67 § 19; 1975 1st ex.s. c 39 § 3; 1967 c 171 § 12.] Repealed by 1986 c 259 § 29.

**18.26.130 Specification of charges.** [1975 1st ex.s. c 39 § 4; 1967 c 171 § 13.] Repealed by 1986 c 259 § 29.

**18.26.140 Time, notice of hearing.** [1967 c 171 § 14.] Repealed by 1986 c 259 § 29.

**18.26.150 Subpoenas—Contempt.** [1967 c 171 § 15.] Repealed by 1986 c 259 § 29.

**18.26.160 Report of hearing.** [1975 1st ex.s. c 39 § 5; 1967 c 171 § 16.] Repealed by 1986 c 259 § 29.

**18.26.170 Hearing before full board.** [1975 1st ex.s. c 39 § 6; 1967 c 171 § 17.] Repealed by 1986 c 259 § 29.

**18.26.180 Basis for board's determination.** [1975 1st ex.s. c 39 § 7; 1967 c 171 § 18.] Repealed by 1986 c 259 § 29.

**18.26.190 Certificate of revocation or suspension—Reprimand.** [1979 c 158 § 23; 1967 c 171 § 19.] Repealed by 1986 c 259 § 29.

**18.26.200 Dismissal of charges—Exoneration.** [1967 c 171 § 20.] Repealed by 1986 c 259 § 29.

**18.26.210 Revocation or suspension of licenses—Stay.** [1979 ex.s. c 111 § 19; 1979 c 158 § 24; 1967 c 171 § 21.] Repealed by 1986 c 259 § 29.

**18.26.220 Contents of certificate or order—Recording.** [1979 c 158 § 25; 1967 c 171 § 22.] Repealed by 1986 c 259 § 29.

**18.26.230 Issuance of license after revocation or suspension.** [1979 c 158 § 26; 1967 c 171 § 23.] Repealed by 1986 c 259 § 29.

**18.26.240 Appeal from decision of board.** [1979 c 158 § 27; 1967 c 171 § 24.] Repealed by 1986 c 259 § 29.

**18.26.250 Appeal from decision of board—Transmittal of transcript.** [1967 c 171 § 25.] Repealed by 1986 c 259 § 29.

**18.26.270 Appeal from decision of board—Appeal procedure.** [1975 1st ex.s. c 39 § 8; 1967 c 171 § 27.] Repealed by 1986 c 259 § 29.

**18.26.280 Appeal from judgment of superior court.** [1967 c 171 § 28.] Repealed by 1986 c 259 § 29.

**18.26.290 Review though revocation not timely filed.** [1979 c 158 § 28; 1967 c 171 § 29.] Repealed by 1986 c 259 § 29.

**18.26.300 Engaging in healing arts other than as chiropractor—Surrender of license—Discontinuance of use of name.** [1979 c 158 § 29; 1967 c 171 § 30.] Repealed by 1986 c 259 § 29.

**18.26.310 Engaging in healing arts other than as chiropractor—Application of RCW 18.26.030(12) and 18.26.300.** [1967 c 171 § 32.] Repealed by 1986 c 259 § 29.

#### Chapter 18.27

#### REGISTRATION OF CONTRACTORS

**18.27.330 Record of court's order—Transmittal.** [1983 1st ex.s. c 2 § 14.] Repealed by 1986 c 197 § 13.

#### Chapter 18.29

#### DENTAL HYGIENIST

**18.29.010 License required.** [1923 c 16 § 26; RRS § 10030-26.] Repealed by 1986 c 259 § 32.

**Savings—1986 c 259 § 32:** "The repeal of RCW 18.29.010, 18.29.080, and 18.29.090 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 33.]

**18.29.075 Option to adopt uniform disciplinary act.** [1984 c 279 § 29.] Repealed by 1986 c 259 § 32. Later enactment, see RCW 18.29.076.

**18.29.080 Practicing without license—Suspension—Penalty.** [1923 c 16 § 34; RRS § 10030-34.] Repealed by 1986 c 259 § 32.

**Savings—1986 c 259 § 32:** See note following RCW 18.29.010.

**18.29.090 Permitting unlawful acts—Penalty.** [1923 c 16 § 35; RRS § 10030-35.] Repealed by 1986 c 259 § 32.

#### Chapter 18.32

#### DENTISTRY

**18.32.038 Option to adopt uniform disciplinary act.** [1984 c 279 § 30.] Repealed by 1986 c 259 § 43. Later enactment, see RCW 18.32.039.

**18.32.055 Board—Members' and staffs' immunity from suit in certain civil actions.** [1981 c 99 § 1.] Repealed by 1986 c 259 § 43.

**18.32.080 Enforcement provisions—Certificate of director as evidence.** [1981 c 277 § 5; 1977 ex.s. c 5 § 29; 1935 c 112 § 22; RRS § 10031-22. Formerly RCW 18.32.080 and 18.32.370.] Repealed by 1986 c 259 § 43.

**18.32.090 Licensing required.** [1981 c 277 § 6; 1957 c 52 § 27. Prior: 1941 c 92 § 2, part; 1935 c 112 § 4; Rem. Supp. 1941 § 10031-4, part.] Repealed by 1986 c 259 § 43.

**Savings—1986 c 259 §§ 36, 37, 41, 43:** See note following RCW 18.32.290.

**18.32.230 Refusal of license—Hearing before disciplinary board.** [1977 ex.s. c 5 § 30; 1935 c 112 § 8; RRS § 10031-8.] Repealed by 1986 c 259 § 43.

**18.32.380 Enforcement provisions—Injunctions.** [1977 ex.s. c 5 § 32; 1935 c 112 § 23; RRS § 10031-23.] Repealed by 1986 c 259 § 43.

**18.32.535 Option to adopt uniform disciplinary act.** [1984 c 279 § 31.] Repealed by 1986 c 259 § 43. Later enactment, see RCW 18.32.039.

**18.32.540 Obligation to cooperate with board—Failure deemed unprofessional conduct.** [1977 ex.s. c 5 § 4.] Repealed by 1986 c 259 § 43.

**18.32.550 Suspension of dentist's license for mental incompetency or illness, physical condition, etc.—Procedure—Examination—Reinstatement.** [1977 ex.s. c 5 § 5.] Repealed by 1986 c 259 § 43.

**Savings—1986 c 259 §§ 36, 37, 41, 43:** See note following RCW 18.32.290.

**18.32.630 Immunity from suit.** [1977 ex.s. c 5 § 13.] Repealed by 1986 c 259 § 43.

**18.32.650 Complaint of unprofessional conduct—Hearing.** [1977 ex.s. c 5 § 15.] Repealed by 1986 c 259 § 43.

**18.32.660 Specification of charges—Preparation—Service upon accused—Notice of hearing.** [1977 ex.s. c 5 § 16.] Repealed by 1986 c 259 § 43.

**18.32.670 Time, notice, of hearing.** [1977 ex.s. c 5 § 17.] Repealed by 1986 c 259 § 43.

**18.32.680 Procedures governing hearings.** [1977 ex.s. c 5 § 18.] Repealed by 1986 c 259 § 43.

**18.32.690 Decision of board—Procedures upon finding of guilty or not guilty.** [1977 ex.s. c 5 § 19.] Repealed by 1986 c 259 § 43.

**18.32.700 Revocation or suspension of license—Appeal—Stay pending review.** [1977 ex.s. c 5 § 20.] Repealed by 1986 c 259 § 43.

**18.32.710 Contents of certificate or order of revocation or suspension—Retention.** [1977 ex.s. c 5 § 21.] Repealed by 1986 c 259 § 43.

**18.32.720** Conditions for issuance of license after revocation or suspension. [1977 ex.s. c 5 § 22.] Repealed by 1986 c 259 § 43.

**18.32.730** Appeal from decision of board--How initiated. [1977 ex.s. c 5 § 23.] Repealed by 1986 c 259 § 43.

**18.32.740** Appeal from decision of board--Transmittal of record, findings. [1977 ex.s. c 5 § 24.] Repealed by 1986 c 259 § 43.

**18.32.750** Appeal from decision of board--Findings final and conclusive--Scope of review. [1977 ex.s. c 5 § 25.] Repealed by 1986 c 259 § 43.

**18.32.760** Appeal from decision of board--Appeal procedure--Appeal to higher court. [1977 ex.s. c 5 § 26.] Repealed by 1986 c 259 § 43.

**18.32.770** Review when certificate or order of revocation or suspension not timely filed. [1977 ex.s. c 5 § 27.] Repealed by 1986 c 259 § 43.

**18.32.780** Application for reinstatement of license--Procedure. [1977 ex.s. c 5 § 28.] Repealed by 1986 c 259 § 43.

#### Chapter 18.34 DISPENSING OPTICIANS

**18.34.090** Revocation or suspension of licenses--Grounds. [1957 c 43 § 9.] Repealed by 1986 c 259 § 46.

**Savings--1986 c 259 § 46:** "The repeal of RCW 18.34.090 and 18.34.140 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 47.]

**18.34.100** Revocation or suspension of licenses--Reissuance and reinstatement. [1957 c 43 § 10.] Repealed by 1986 c 259 § 46.

**18.34.135** Option to adopt uniform disciplinary act. [1984 c 279 § 32.] Repealed by 1986 c 259 § 46. Later enactment, see RCW 18.34.136.

**18.34.140** Practicing without license--Penalty. [1957 c 43 § 14.] Repealed by 1986 c 259 § 46.

**Savings--1986 c 259 § 46:** See note following RCW 18.34.090.

**18.34.150** Unlawful practice may be enjoined. [1957 c 43 § 15.] Repealed by 1986 c 259 § 46.

#### Chapter 18.35 HEARING AIDS

**18.35.173** Option to adopt uniform disciplinary act. [1984 c 279 § 33.] Repealed by 1986 c 259 § 48.

#### Chapter 18.36 DRUGLESS HEALING

**18.36.135** Option to adopt uniform disciplinary act. [1984 c 279 § 34.] Repealed by 1986 c 259 § 57.

**18.36.140** Unlawful practices. [1919 c 36 § 10; RRS § 10120. Formerly RCW 18.36.140 and 18.36.030, part.] Repealed by 1986 c 259 § 57.

**Savings--1986 c 259 § 57:** "The repeal of RCW 18.36.140 and 18.36.150 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 58.]

**18.36.150** Unprofessional conduct. [1919 c 36 § 9; RRS § 10119.] Repealed by 1986 c 259 § 57.

**Savings--1986 c 259 § 57:** See note following RCW 18.36.140.

#### Chapter 18.39 EMBALMERS--FUNERAL DIRECTORS

**18.39.176** Option to adopt uniform disciplinary act. [1984 c 279 § 35.] Repealed by 1986 c 259 § 73. Later enactment, see RCW 18.39.178.

**18.39.179** Authority of board to impose penalties. [1981 c 43 § 12.] Repealed by 1986 c 259 § 73.

**Savings--1986 c 259 §§ 64, 73:** See note following RCW 18.39.175.

**18.39.223** Violations--Investigation--Compelling compliance--Subpoena powers. [1981 c 43 § 17; 1977 ex.s. c 93 § 6.] Repealed by 1986 c 259 § 73.

**18.39.225** Violations--Referral to attorney general or prosecutor. [1981 c 43 § 18; 1977 ex.s. c 93 § 7.] Repealed by 1986 c 259 § 73.

**18.39.310** Prearrangement funeral service contracts--Suspension, revocation, or failure to renew certificate of registration--Notice--Effect. [1982 c 66 § 9.] Repealed by 1986 c 259 § 73.

**18.39.340** Prearrangement funeral service contracts--Director's powers and authority--Rules, investigations, examinations, and hearings. [1982 c 66 § 12.] Repealed by 1986 c 259 § 73.

**18.39.910** Termination of chapter. [1981 c 43 § 19.] Repealed by 1986 c 270 § 10.

#### Chapter 18.43 ENGINEERS AND LAND SURVEYORS

**18.43.090** Practitioners at time of act. [1947 c 283 § 12; Rem. Supp. 1947 § 8306-29.] Repealed by 1986 c 102 § 5.

#### Chapter 18.50 MIDWIFERY

**18.50.100** Refusal, suspension, or revocation of license--Reprimand or censure--Grounds--Complaints--Hearing--Appeal. [1981 c 53 § 9; 1917 c 160 § 7; RRS § 10180. Formerly RCW 18.50.100 and 18.50.110.] Repealed by 1986 c 259 § 76.

**Savings--1986 c 259 § 76:** "The repeal of RCW 18.50.100 and 18.50.120 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 77.]

**18.50.120** Unlawful practice--Penalties. [1917 c 160 § 9; RRS § 10182.] Repealed by 1986 c 259 § 76.

**Savings--1986 c 259 § 76:** See note following RCW 18.50.100.

**18.50.125** Option to adopt uniform disciplinary act. [1984 c 279 § 36.] Repealed by 1986 c 259 § 76. Later enactment, see RCW 18.50.126.

#### Chapter 18.53 OPTOMETRY

**18.53.020** Licensing required. [1979 c 158 § 46; 1975 1st ex.s. c 69 § 3; 1919 c 144 § 2; RRS § 10148. Prior: 1909 c 235 § 5.] Repealed by 1986 c 259 § 85.

**Savings--1986 c 259 §§ 81, 85:** See note following RCW 18.53.100.

**18.53.155** Injunction to restrain violations. [1975 1st ex.s. c 69 § 13.] Repealed by 1986 c 259 § 85.

#### Chapter 18.54 OPTOMETRY BOARD

**18.54.075** Option to adopt uniform disciplinary act. [1984 c 279 § 38.] Repealed by 1986 c 259 § 87. Later enactment, see RCW 18.54.076.

**18.54.080** "Unprofessional conduct" defined. [1975 1st ex.s. c 69 § 11; 1963 c 25 § 8.] Repealed by 1986 c 259 § 87.

**Savings--1986 c 259 § 87:** "The repeal of RCW 18.54.080 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 88.]

**18.54.100** Suspension or revocation of license for unprofessional conduct. [1963 c 25 § 10.] Repealed by 1986 c 259 § 87.

**18.54.110** Suspension or revocation of license for unprofessional conduct--Judicial review. [1963 c 25 § 11.] Repealed by 1986 c 259 § 87.

**18.54.120** Suspension or revocation of license for unprofessional conduct--Reinstatement. [1963 c 25 § 12.] Repealed by 1986 c 259 § 87.

## Chapter 18.55

## OCULARISTS

**18.55.065 Option to adopt uniform disciplinary act.** [1984 c 279 § 39.] Repealed by 1986 c 259 § 90. Later enactment, see RCW 18.55.066.

**18.55.070 Suspension or revocation of a license--Grounds.** [1980 c 101 § 6.] Repealed by 1986 c 259 § 90.

**Savings--1986 c 259 § 90:** "The repeal of RCW 18.55.070 and 18.55.090 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 91.]

**18.55.080 Reinstatement of revoked or suspended license.** [1980 c 101 § 8.] Repealed by 1986 c 259 § 90.

**18.55.090 Unauthorized practice--Penalty.** [1980 c 101 § 9.] Repealed by 1986 c 259 § 90.

**Savings--1986 c 259 § 90:** See note following RCW 18.55.070.

**18.55.100 Injunction to restrain violations.** [1980 c 101 § 10.] Repealed by 1986 c 259 § 90.

## Chapter 18.57

## OSTEOPATHY--OSTEOPATHIC MEDICINE AND SURGERY

**18.57.009 Option to adopt uniform disciplinary act.** [1984 c 279 § 40.] Repealed by 1986 c 259 § 98. Later enactment, see RCW 18.57.011.

**18.57.030 Licensing required--Penalty--Payment of fines--Remittance of justice court fines, fees, penalties and forfeitures.** [1969 ex.s. c 199 § 16; 1919 c 4 § 14; RRS § 10066. Cf. 1909 c 192 § 14.] Repealed by 1986 c 259 § 98.

**Savings--1986 c 259 § 98:** "The repeal of RCW 18.57.030, 18.57.170, 18.57.175, and 18.57.185 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 99.]

**18.57.170 Unprofessional conduct--Defined.** [1979 c 117 § 16; 1963 c 142 § 2; 1919 c 4 § 11; RRS § 10063. Cf. 1909 c 192 § 11.] Repealed by 1986 c 259 § 98.

**Savings--1986 c 259 § 98:** See note following RCW 18.57.030.

**18.57.173 Unprofessional conduct--Complaint--Disciplinary proceedings.** [1979 c 117 § 4.] Repealed by 1986 c 259 § 98.

**18.57.175 Restriction, suspension, or revocation of license for unprofessional conduct--Reprimand--Reinstatement--Dismissal and exoneration.** [1979 c 117 § 5.] Repealed by 1986 c 259 § 98.

**Savings--1986 c 259 § 98:** See note following RCW 18.57.030.

**18.57.177 Order of reprimand, restriction, suspension, or revocation--Contents--Effect.** [1979 c 117 § 6.] Repealed by 1986 c 259 § 98.

**18.57.181 Issuance of license after restriction, revocation, or suspension.** [1979 c 117 § 7.] Repealed by 1986 c 259 § 98.

**18.57.185 Suspension of physician's license for mental incompetency or mental or physical condition--Hearing--Examination--Consent--Resumption of practice.** [1979 c 117 § 8.] Repealed by 1986 c 259 § 98.

**Savings--1986 c 259 § 98:** See note following RCW 18.57.030.

**18.57.195 Cooperation with board--Failure deemed unprofessional conduct.** [1979 c 117 § 9.] Repealed by 1986 c 259 § 98.

**18.57.205 Immunity from prosecution or suit.** [1979 c 117 § 10.] Repealed by 1986 c 259 § 98.

## Chapter 18.59

## OCCUPATIONAL THERAPY

**18.59.030 License required.** [1984 c 9 § 4.] Repealed by 1986 c 259 § 103.

**Savings--1986 c 259 §§ 101, 103:** See note following RCW 18.59.100.

**18.59.140 Option to adopt uniform disciplinary act.** [1984 c 9 § 17.] Repealed by 1986 c 259 § 103. Later enactment, see RCW 18.59.141.

**18.59.200 Violations--Penalties.** [1984 c 9 § 16.] Repealed by 1986 c 259 § 103.

**Savings--1986 c 259 §§ 101, 103:** See note following RCW 18.59.100.

## Chapter 18.71

## PHYSICIANS

**18.71.018 Option to adopt uniform disciplinary act.** [1984 c 279 § 41.] Repealed by 1986 c 259 § 119. Later enactment, see RCW 18.71.019.

**18.71.020 Licensing required--Penalties, enforcement--Exemptions--Remittance of justice court fines, fees, penalties and forfeitures.** [1977 c 55 § 1; 1975 1st ex.s. c 171 § 3; 1971 ex.s. c 305 § 1; 1969 ex.s. c 199 § 18; 1961 c 284 § 3; 1919 c 134 § 8; 1909 c 192 § 14; RRS § 10018. Prior: 1890 p 119 § 8; Code 1881 § 2290.] Repealed by 1986 c 259 § 119.

**Savings--1986 c 259 § 119:** "The repeal of RCW 18.71.020 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 120.]

**18.71.025 Injunction to prevent practice until license secured.** [1975 1st ex.s. c 171 § 4; 1961 c 284 § 10.] Repealed by 1986 c 259 § 119.

**18.71.120 Refusal of license for unprofessional conduct--Reinstatement procedure.** [1961 c 284 § 12; 1955 c 202 § 38. Prior: 1919 c 134 § 7, part; 1909 c 192 § 11, part; 1905 c 41 § 1, part; RRS § 10014, part.] Repealed by 1986 c 259 § 119.

**18.71.140 Refusal of license for unprofessional conduct--Hearing required.** [1955 c 202 § 40. Prior: 1919 c 134 § 7, part; 1909 c 192 § 11, part; 1905 c 41 § 1, part; RRS § 10014, part.] Repealed by 1986 c 259 § 119.

**18.71.145 Denial of license application or renewal--Notification--Right to hearing.** [1975 1st ex.s. c 171 § 17.] Repealed by 1986 c 259 § 119.

**18.71.165 Board of medical examiners--Immunity from suit.** [1975 1st ex.s. c 171 § 18.] Repealed by 1986 c 259 § 119.

**18.71.180 Denial of license--Statement of grounds--Record.** [1979 c 158 § 56; 1975 1st ex.s. c 171 § 14; 1955 c 202 § 44. Prior: (i) 1919 c 134 § 7, part; RRS § 10014, part. (ii) 1909 c 192 § 12; RRS § 10016.] Repealed by 1986 c 259 § 119.

## Chapter 18.72

## MEDICAL DISCIPLINARY BOARD

**18.72.030 "Unprofessional conduct" defined.** [1979 ex.s. c 111 § 1; 1975 c 61 § 1; 1963 c 142 § 1; 1955 c 202 § 3.] Repealed by 1986 c 259 § 121.

**Savings--1986 c 259 § 121:** "The repeal of RCW 18.72.030, 18.72.230, and 18.72.275 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 122.]

**18.72.135 Board members pro tem--Panels--Authority.** [1979 ex.s. c 111 § 9.] Repealed by 1986 c 259 § 121.

**18.72.140 Immunity from suit.** [1955 c 202 § 14.] Repealed by 1986 c 259 § 121.

**18.72.153 Option to adopt uniform disciplinary act.** [1984 c 279 § 42.] Repealed by 1986 c 259 § 121. Later enactment, see RCW 18.72.154.

**18.72.160 Complaints--Investigation.** [1979 ex.s. c 111 § 8; 1955 c 202 § 16.] Repealed by 1986 c 259 § 121.

**18.72.170 Statement of charges.** [1979 ex.s. c 111 § 10; 1955 c 202 § 17.] Repealed by 1986 c 259 § 121.

**18.72.175 Accused to cooperate with board—Failure deemed unprofessional conduct.** [1975 c 61 § 2.] Repealed by 1986 c 259 § 121.

**18.72.180 Time, notice, of hearing.** [1955 c 202 § 18.] Repealed by 1986 c 259 § 121.

**18.72.201 Report of charges and final actions.** [1979 ex.s. c 111 § 7.] Repealed by 1986 c 259 § 121.

**18.72.230 Certificate or order—Provisions.** [1979 ex.s. c 111 § 11; 1955 c 202 § 23.] Repealed by 1986 c 259 § 121.

**Savings—1986 c 259 § 121:** See note following RCW 18.72.030.

**18.72.240 Dismissal of charges—Exoneration.** [1979 ex.s. c 111 § 12; 1955 c 202 § 24.] Repealed by 1986 c 259 § 121.

**18.72.245 Assessment of costs.** [1979 ex.s. c 111 § 13.] Repealed by 1986 c 259 § 121.

**18.72.250 Order—When effective—Stay.** [1979 ex.s. c 111 § 14; 1979 c 158 § 60; 1969 c 58 § 1; 1955 c 202 § 25.] Repealed by 1986 c 259 § 121.

**18.72.260 Contents of certificate—Recording.** [1955 c 202 § 26.] Repealed by 1986 c 259 § 121.

**18.72.270 Issuance of license after revocation or suspension.** [1955 c 202 § 27.] Repealed by 1986 c 259 § 121.

**18.72.271 Refusal of license—Reinstatement—Hearing—Record.** Cross-reference section, decodified June, 1986.

**18.72.275 Suspension of physician's license for mental incompetency or illness, physical condition—Hearing—Examination—Reinstatement—Grounds.** [1979 ex.s. c 111 § 16; 1975 c 61 § 3.] Repealed by 1986 c 259 § 121.

**Savings—1986 c 259 § 121:** See note following RCW 18.72.030.

**18.72.280 Appeal from decision of board.** [1955 c 202 § 28.] Repealed by 1986 c 259 § 121.

**18.72.290 Appeal from decision of board—Transmittal of transcript.** [1955 c 202 § 29.] Repealed by 1986 c 259 § 121.

**18.72.300 Appeal from decision of board—Scope of review.** [1955 c 202 § 30.] Repealed by 1986 c 259 § 121.

**18.72.320 Appeal from decision of superior court.** [1955 c 202 § 32.] Repealed by 1986 c 259 § 121.

**18.72.330 Review though revocation not timely filed.** [1955 c 202 § 33.] Repealed by 1986 c 259 § 121.

#### Chapter 18.74

##### PHYSICAL THERAPY

**18.74.028 Option to adopt uniform disciplinary act.** [1984 c 279 § 43.] Repealed by 1986 c 259 § 126. Later enactment, see RCW 18.74.029.

**18.74.080 Restriction, suspension, or revocation of license—Reissuance.** [1983 c 116 § 13; 1961 c 64 § 7; 1949 c 239 § 8; Rem. Supp. 1949 § 10163–8.] Repealed by 1986 c 259 § 126.

**Savings—1986 c 259 § 128:** "The repeal of RCW 18.74.080, 18.74.082, and 18.74.100 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 127.]

**18.74.082 Suspension or restriction of license for mental incompetency or illness or physical condition—Examination—Implied consent—Reinstatement.** [1983 c 116 § 15.] Repealed by 1986 c 259 § 126.

**Savings—1986 c 259 § 128:** See note following RCW 18.74.080.

**18.74.084 Investigations—Duty to cooperate.** [1983 c 116 § 14.] Repealed by 1986 c 259 § 126.

**18.74.086 Hearings conducted under chapter 34.04 RCW.** [1983 c 116 § 16.] Repealed by 1986 c 259 § 126.

**18.74.088 Appeal from decision of board or department.** [1983 c 116 § 17.] Repealed by 1986 c 259 § 126.

**18.74.100 False representation—Penalty.** [1983 c 116 § 20; 1949 c 239 § 10; Rem. Supp. 1949 § 10163–10.] Repealed by 1986 c 259 § 126.

**Savings—1986 c 259 § 128:** See note following RCW 18.74.080.

#### Chapter 18.78

##### PRACTICAL NURSES

**18.78.053 Option to adopt uniform disciplinary act.** [1984 c 279 § 44.] Repealed by 1986 c 259 § 132. Later enactment, see RCW 18.78.054.

**18.78.135 Denial, revocation, or suspension of license—Grounds—Reissuance.** [1983 c 55 § 13.] Repealed by 1986 c 259 § 132.

**Savings—1986 c 259 § 132:** "The repeal of RCW 18.78.135 and 18.78.170 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 133.]

**18.78.145 Hearings—Decisions and orders.** [1983 c 55 § 14.] Repealed by 1986 c 259 § 132.

**18.78.155 Appeal—Application of chapter 34.04 RCW.** [1983 c 55 § 20.] Repealed by 1986 c 259 § 132.

**18.78.165 Reported violations—Investigations.** [1983 c 55 § 18.] Repealed by 1986 c 259 § 132.

**18.78.170 Penalty for practice without license.** [1983 c 55 § 16; 1967 c 79 § 5; 1949 c 222 § 18; Rem. Supp. 1949 § 10173–44.] Repealed by 1986 c 259 § 132.

**Savings—1986 c 259 § 132:** See note following RCW 18.78.135.

**18.78.175 Injunctions to prevent violations.** [1983 c 55 § 17; 1967 c 79 § 7.] Repealed by 1986 c 259 § 132.

#### Chapter 18.83

##### PSYCHOLOGISTS

**18.83.053 Option to adopt uniform disciplinary act.** [1984 c 279 § 45.] Repealed by 1986 c 259 § 134.

#### Chapter 18.88

##### REGISTERED NURSES

**18.88.085 Option to adopt uniform disciplinary act.** [1984 c 279 § 46.] Repealed by 1986 c 259 § 137. Later enactment, see RCW 18.88.086.

**18.88.210 Penalty for practicing during lapse of license.** [1949 c 202 § 21; Rem. Supp. 1949 § 10173–19. Prior: 1933 c 180 § 1.] Repealed by 1986 c 259 § 137.

**18.88.230 Denial, revocation or suspension of license—Reissuance.** [1973 c 133 § 21; 1949 c 202 § 23; Rem. Supp. 1949 § 10173–21. Prior: 109 c 41 § 6.] Repealed by 1986 c 259 § 137.

**Savings—1986 c 259 §§ 136, 137:** See note following RCW 18.88.270.

**18.88.240 Procedure.** [1973 c 133 § 22; 1949 c 202 § 24; Rem. Supp. 1949 § 10173–22. Prior: 1909 c 41 § 6.] Repealed by 1986 c 259 § 137.

**18.88.250 Appeal—Administrative Procedure Act applicable.** [1973 c 133 § 23; 1949 c 202 § 25; Rem. Supp. 1949 § 10173–23.] Repealed by 1986 c 259 § 137.

**18.88.260 Reports of violations—Investigation.** [1973 c 133 § 24; 1949 c 202 § 26; Rem. Supp. 1949 § 10173–24.] Repealed by 1986 c 259 § 137.

**18.88.265 Injunctions to prevent unauthorized practice.** [1973 c 133 § 25; 1961 c 288 § 15.] Repealed by 1986 c 259 § 137.

**Chapter 18.92****VETERINARY MEDICINE, SURGERY AND DENTISTRY**

**18.92.033** Administrative and investigative staff—Investigations authorized—Subpoenas. [1983 c 102 § 3.] Repealed by 1986 c 259 § 144.

**18.92.045** Option to adopt uniform disciplinary act. [1984 c 279 § 47.] Repealed by 1986 c 259 § 144. Later enactment, see RCW 18.92.046.

**18.92.050** Licensing required. [1941 c 71 § 2; Rem. Supp. 1941 § 10040-2. Prior: 1907 c 124 § 2. FORMER PART OF SECTION: 1941 c 71 § 6, part; Rem. Supp. 1941 § 10040-6, part, now codified in RCW 18.92.070.] Repealed by 1986 c 259 § 144.

**Savings—1986 c 259 § 144:** "The repeal of RCW 18.92.050, 18.92.160, and 18.92.180 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 145.]

**18.92.160** Disciplinary action—Grounds. [1983 c 102 § 8; 1974 ex.s. c 44 § 7; 1967 ex.s. c 50 § 10; 1961 c 157 § 1; 1941 c 71 § 13; Rem. Supp. 1941 § 10040-13. Formerly RCW 18.92.170, part.] Repealed by 1986 c 259 § 144.

**Savings—1986 c 259 § 144:** See note following RCW 18.92.050.

**18.92.180** Disciplinary proceedings—Penalties. [1983 c 102 § 9; 1981 c 67 § 24; 1967 ex.s. c 50 § 11; 1959 c 92 § 11; 1941 c 71 § 14; Rem. Supp. 1941 § 10040-14. Formerly RCW 18.92.180 through 18.92.200.] Repealed by 1986 c 259 § 144.

**Savings—1986 c 259 § 144:** See note following RCW 18.92.050.

**18.92.210** Disciplinary proceedings—Appeal. [1971 c 81 § 63; 1941 c 71 § 15; Rem. Supp. 1941 § 10040-15.] Repealed by 1986 c 259 § 144.

**18.92.220** Unlawful use of title "veterinary". [1941 c 71 § 22; Rem. Supp. 1941 § 10040-22. Prior: 1907 c 124 § 16.] Repealed by 1986 c 259 § 144.

**18.92.235** Injunction to restrain practice without license. [1959 c 92 § 14.] Repealed by 1986 c 259 § 144.

**Chapter 18.108****MASSAGE OPERATORS AND BUSINESSES**

**18.108.075** Option to adopt uniform disciplinary act. [1984 c 279 § 48.] Repealed by 1986 c 259 § 147. Later enactment, see RCW 18.108.076.

**18.108.080** Grounds for denial, suspension or revocation of licenses. [1975 1st ex.s. c 280 § 9.] Repealed by 1986 c 259 § 147.

**Savings—1986 c 259 § 147:** "The repeal of RCW 18.108.080 and 18.108.170 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 148.]

**18.108.170** Grounds for denial of issuance or renewal of licenses. [1975 1st ex.s. c 280 § 18.] Repealed by 1986 c 259 § 147.

**Savings—1986 c 259 § 147:** See note following RCW 18.108.080.

**Chapter 18.130****UNIFORM DISCIPLINARY ACT—HEALTH AND HEALTH-RELATED PROFESSIONS**

**18.130.030** Chapter may be adopted. [1984 c 279 § 3.] Repealed by 1986 c 259 § 16.

**Title 19****BUSINESS REGULATIONS—  
MISCELLANEOUS****Chapter 19.09****CHARITABLE SOLICITATIONS**

**19.09.030** Exemptions. [1983 c 265 § 2; 1977 ex.s. c 222 § 2; 1974 ex.s. c 106 § 2; 1973 1st ex.s. c 13 § 3.] Repealed by 1986 c 230 § 19, effective January 1, 1987.

**19.09.045** Organization ceasing to be exempt—Registration. [1983 c 265 § 3.] Repealed by 1986 c 230 § 19, effective January 1, 1987.

**19.09.050** Professional fund raisers not exempt. [1983 c 265 § 13; 1973 1st ex.s. c 13 § 5.] Repealed by 1986 c 230 § 19, effective January 1, 1987.

**19.09.069** Professional fund raisers—Registration required—Public record—Registration not endorsement. [1983 c 265 § 14.] Repealed by 1986 c 230 § 19, effective January 1, 1987.

**Chapter 19.28****ELECTRICIANS AND ELECTRICAL INSTALLATIONS**

**19.28.380** RCW 19.28.010 through 19.28.380 inapplicable within rights of way of state highways if equal or better standards enforced. [1980 c 30 § 18; 1965 ex.s. c 170 § 35.] Repealed by 1986 c 156 § 18. Later enactment, see RCW 19.28.360.

**19.28.590** Board of electrical examiners—Duties under RCW 19.28.510 through 19.28.620. [1983 c 206 § 19; 1980 c 30 § 10.] Repealed by 1986 c 156 § 18. Later enactment, see RCW 19.28.123.

**Chapter 19.91****UNFAIR CIGARETTE SALES BELOW COST ACT**

**19.91.911** Expiration of chapter—Performance audit. [1984 c 173 § 2.] Repealed by 1986 c 321 § 3.

**Title 20****COMMISSION MERCHANTS—  
AGRICULTURAL PRODUCTS****Chapter 20.01****AGRICULTURAL PRODUCTS—COMMISSION MERCHANTS,  
DEALERS, BROKERS, BUYERS, AGENTS**

**20.01.035** Certain sales of hay, grain, or straw deemed sale at wholesale. [1965 c 69 § 1.] Repealed by 1986 c 178 § 17.

**20.01.290** Settlement when two or more creditors—Pro rata shares. [1983 c 305 § 6; 1959 c 139 § 29.] Repealed by 1986 c 178 § 17.

**Title 23A****WASHINGTON BUSINESS CORPORATION  
ACT****Chapter 23A.32****FOREIGN CORPORATIONS**

**23A.32.110** Amendment to articles of incorporation of foreign corporation. [1965 c 53 § 119.] Repealed by 1986 c 117 § 26.

**23A.32.120** Merger of foreign corporation authorized to transact business in this state. [1965 c 53 § 120.] Repealed by 1986 c 117 § 26.

**Title 24****CORPORATIONS AND ASSOCIATIONS  
(NONPROFIT)****Chapter 24.03****WASHINGTON NONPROFIT CORPORATION ACT**

**24.03.038 Corporation authorized to provide professional services—Limitations.** [1985 c 431 § 2.] Repealed by 1986 c 261 § 7. Later enactment, see RCW 18.100.132.

**24.03.355 Amendment to articles of incorporation of foreign corporation.** [1967 c 235 § 72.] Repealed by 1986 c 240 § 59.

**Title 27****LIBRARIES, MUSEUMS, AND  
HISTORICAL ACTIVITIES****Chapter 27.34****STATE HISTORICAL SOCIETIES—HERITAGE COUNCIL—  
ARCHAEOLOGY AND HISTORIC PRESERVATION**

**27.34.290 Governor to provide facilities and administrative support.** [1983 c 91 § 19.] Repealed by 1986 c 266 § 53.

**27.34.905 Pickett House—Conveyance to Daughters of the Pioneers.** [1965 c 31 § 1. Formerly RCW 27.28.021.] Decodified pursuant to 1986 c 266 § 52.

**Title 28A****COMMON SCHOOL PROVISIONS****Chapter 28A.87****OFFENSES RELATING TO SCHOOLS, SCHOOL PERSONNEL—  
PENALTIES**

**28A.87.140 Teacher's abuse of pupil—Penalty.** [1984 c 258 § 318; 1969 ex.s. c 199 § 61; 1969 ex.s. c 223 § 28A.87.140. Prior: 1909 c 97 p 360 § 9; RRS § 5052; prior: 1903 c 156 § 9; 1897 c 118 § 167; 1890 p 371 § 43; Code 1881 § 3239. Formerly RCW 28.87.140.] Repealed by 1986 c 257 § 9, effective July 1, 1987.

**Savings—1986 c 257:** See note following chapter 9A.36 RCW in Table of Disposition of Former RCW Sections.

**Chapter 28A.97****EDUCATIONAL CLINICS**

**28A.97.100 Report to legislature by legislative budget committee on fiscal impact of educational clinics—Information clinics must furnish therefor.** [1980 c 87 § 8; 1979 ex.s. c 174 § 3.] Repealed by 1986 c 158 § 25.

**Title 28B****HIGHER EDUCATION****Chapter 28B.05****EDUCATIONAL SERVICES REGISTRATION ACT**

**28B.05.010 Short title.** [1979 ex.s. c 188 § 1.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.020 Legislative intent—Scope of chapter.** [1979 ex.s. c 188 § 2.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.030 Definitions.** [1985 c 370 § 44; 1981 c 283 § 1; 1979 ex.s. c 188 § 3.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.040 Use of educational credential limited—Exempted education and institutions.** [1985 c 7 § 96; 1983 c 266 § 1; 1981 c 283 § 2;

1980 c 82 § 1; 1979 ex.s. c 188 § 4.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.050 General agency responsibility—Adoption of criteria and rules—Investigations—Coordination of policies and rules.** [1985 c 370 § 45; 1979 ex.s. c 188 § 5.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.060 Standards of maintenance and operation for educational institutions.** [1979 ex.s. c 188 § 6.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.070 Chief administrative officer—Designation—Responsibility.** [1979 ex.s. c 188 § 7.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.080 Initial and renewal registration—When.** [1979 ex.s. c 188 § 8.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.090 Initial and renewal registration—Fees—Disposition.** [1979 ex.s. c 188 § 9.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.100 Statement of organization—Contents—Filed, when—Amended statements, filed, when.** [1979 ex.s. c 188 § 10.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.110 Surety bond—Filed, when—Amount, maximum—Purpose—Cash or negotiable security in lieu of—Satisfying judgments or claims—Release of surety—Action on bond or security, record of.** [1979 ex.s. c 188 § 11.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.120 Registration and compliance prerequisite to offering educational services.** [1979 ex.s. c 188 § 12.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.130 Suspension or modification of requirements, when—Appeal.** [1985 c 370 § 46; 1981 c 283 § 3; 1979 ex.s. c 188 § 13.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.140 Complaint against educational institution—Contents—Investigation—Hearing—Cease and desist order, penalties—Restitution.** [1979 ex.s. c 188 § 14.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.150 Civil penalty for violation—Applicability—Violations as separate violations—Imposition.** [1979 ex.s. c 188 § 15.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.160 Certain violations as gross misdemeanors, penalty—Applicability—Violations as separate violations—Imposition.** [1979 ex.s. c 188 § 16.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.170 Action by educational institution or personnel as constituting submission to jurisdiction of courts of this state.** [1979 ex.s. c 188 § 17.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.180 Time necessary for retaining student records and accounts.** [1979 ex.s. c 188 § 18.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.190 Records filed with agency upon educational institution discontinuing operation—Type—Court order to protect.** [1979 ex.s. c 188 § 19.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.200 Student contract or evidence of indebtedness—Voidable, when.** [1979 ex.s. c 188 § 20.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.210 Student contract or evidence of indebtedness—Registration as prerequisite to enforcement.** [1979 ex.s. c 188 § 21.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.220 Enforcement—Right of injunction.** [1979 ex.s. c 188 § 22.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.230 Violation as violation under consumer protection act.** [1979 ex.s. c 188 § 23.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.240 Remedies and penalties as nonexclusive and cumulative.** [1979 ex.s. c 188 § 24.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.900 Effective date—1979 ex.s. c 188.** [1979 ex.s. c 188 § 27.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**28B.05.950 Severability—1979 ex.s. c 188.** [1979 ex.s. c 188 § 28.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

## Title 28C VOCATIONAL EDUCATION

### Chapter 28C.04 VOCATIONAL EDUCATION

**28C.04.142 Fees for fire service training.** [1985 c 312 § 1.] Repealed by 1986 c 266 § 135. Later enactment, see RCW 43.63A.360.

**28C.04.144 Fire service training account.** [1985 c 312 § 2.] Repealed by 1986 c 266 § 135. Later enactment, see RCW 43.63A.370.

## Title 29 ELECTIONS

### Chapter 29.07 REGISTRATION OF VOTERS

**29.07.150 Precinct registration records—Type—Custody.** [1971 ex.s. c 202 § 19; 1965 c 9 § 29.07.150. Prior: 1933 c 1 § 8, part; RRS § 5114–8, part; prior: 1919 c 163 § 7, part; 1915 c 16 § 7, part; 1905 c 171 § 3, part; 1901 c 135 § 3, part; 1893 c 45 § 2, part; 1889 p 415 § 7, part; RRS § 5125, part.] Repealed by 1986 c 167 § 25. Later enactment, see RCW 29.07.151.

### Chapter 29.51 POLLING PLACE REGULATIONS DURING VOTING HOURS

**29.51.090 Marking ballot at primaries.** [1965 c 9 § 29.51.090. Prior: (i) 1935 c 26 § 3, part; 1921 c 177 § 1, part; 1919 c 163 § 15, part; 1917 c 71 § 2, part; 1909 c 82 § 4, part; 1907 c 209 § 12, part; RRS § 5189, part. (ii) 1947 c 77 § 2, part; 1895 c 156 § 8, part; 1889 p 409 § 23, part; Rem. Supp. 1947 § 5288, part.] Repealed by 1986 c 167 § 25.

### Chapter 29.54 POLLING PLACE REGULATIONS DURING VOTING HOURS AND AFTER CLOSING

**29.54.180 Ballot cards—Copying on magnetic tape—Retention and copying of original tape.** [1977 ex.s. c 361 § 95.] Repealed by 1986 c 167 § 25.

## Title 30 BANKS AND TRUST COMPANIES

### Chapter 30.04 GENERAL PROVISIONS

**30.04.040 Review of rules and regulations—Appeal.** [1971 c 81 § 79; 1955 c 33 § 30.04.040. Prior: 1917 c 80 § 58, part; RRS § 3265, part.] Repealed by 1986 c 279 § 51.

**30.04.100 Loans restricted by available funds.** [1955 c 33 § 30.04.100. Prior: 1933 c 42 § 27; 1919 c 209 § 19; RRS § 3289.] Repealed by 1986 c 279 § 51.

**30.04.110 Limit of loans to one person—Exceptions.** [1983 c 157 § 4; 1969 c 136 § 1; 1955 c 33 § 30.04.110. Prior: 1943 c 142 § 1; 1933 c 42 § 21; 1917 c 80 § 51; Rem. Supp. 1943 § 3258.] Repealed by 1986 c 279 § 51.

**30.04.122 Investment in safe deposit corporation authorized.** [1955 c 302 § 1. Formerly RCW 30.24.100.] Repealed by 1986 c 279 § 51.

**30.04.124 Investment in corporation holding premises of the bank—Definition of "affiliate".** [1955 c 302 § 2. Formerly RCW 30.24.110.] Repealed by 1986 c 279 § 51.

**30.04.126 Investment in stock of small business investment company regulated by United States.** [1979 c 124 § 1; 1959 c 185 § 1.] Repealed by 1986 c 279 § 51.

**30.04.128 Investment in stock of banking service corporation—Powers, duties, of such corporations.** [1983 c 157 § 5; 1963 c 194 § 2.] Repealed by 1986 c 279 § 51.

**30.04.160 Prohibition on issuance of notes for money borrowed or rediscounting of notes—Exceptions.** [1985 c 7 § 97; 1983 c 157 § 7; 1955 c 33 § 30.04.160. Prior: 1933 c 42 § 24, part; 1917 c 80 § 54, part; RRS § 3261, part.] Repealed by 1986 c 279 § 51.

**30.04.170 Pledge of securities to qualify as depository under bankruptcy laws.** [1955 c 33 § 30.04.170. Prior: 1941 c 38 § 1; Rem. Supp. 1941 § 3261–1.] Repealed by 1986 c 279 § 51.

**30.04.190 Transfer of net profits between departments.** [1955 c 33 § 30.04.190. Prior: 1933 c 42 § 8; RRS § 3240–1.] Repealed by 1986 c 279 § 51.

**30.04.340 Contributions and gifts—Public policy declared.** [1955 c 356 § 2.] Repealed by 1986 c 279 § 51.

**30.04.350 Contributions and gifts—Authorized.** [1955 c 356 § 3.] Repealed by 1986 c 279 § 51.

**30.04.360 Contributions and gifts—Validation.** [1955 c 356 § 4.] Repealed by 1986 c 279 § 51.

### Chapter 30.12 OFFICERS, EMPLOYEES, AND STOCKHOLDERS

**30.12.080 Restrictions on officers and employees.** [1979 c 106 § 3; 1965 c 140 § 5; 1959 c 106 § 3; 1955 c 33 § 30.12.080. Prior: 1947 c 147 § 1, part; 1933 c 42 § 22, part; 1917 c 80 § 52, part; Rem. Supp. 1947 § 3259, part.] Repealed by 1986 c 279 § 51.

**30.12.140 Superadded liability of stockholders.** [1955 c 33 § 30.12.140. Prior: 1941 c 16 § 1, part; 1917 c 80 § 35, part; Rem. Supp. 1941 § 3242, part.] Repealed by 1986 c 279 § 51.

**30.12.150 Liability when obligations federally insured.** [1955 c 33 § 30.12.150. Prior: 1941 c 16 § 1, part; 1917 c 80 § 35, part; Rem. Supp. 1941 § 3242, part.] Repealed by 1986 c 279 § 51.

**30.12.160 Termination of superadded liability.** [1955 c 33 § 30.12.160. Prior: 1941 c 16 § 1, part; 1917 c 80 § 35, part; Rem. Supp. 1941 § 3242, part.] Repealed by 1986 c 279 § 51.

**30.12.170 Repayment of superadded liability.** [1955 c 33 § 30.12.170. Prior: 1935 c 43 § 1; RRS § 3242–1.] Repealed by 1986 c 279 § 51.

**30.12.200 Group-plan life insurance for officers and employees.** [1955 c 296 § 1; 1955 c 33 § 30.12.200. Prior: 1925 ex.s. c 44 § 1; RRS § 7242–6.] Repealed by 1986 c 279 § 51.

**30.12.210 Stock option, stock purchase, stock bonus, or similar plans.** [1979 c 106 § 4; 1965 c 140 § 4.] Repealed by 1986 c 279 § 51.

### Chapter 30.20 DEPOSITS

**30.20.070 Publication of deposits.** [1955 c 33 § 30.20.070. Prior: (i) 1945 c 204 § 1, part; Rem. Supp. 1945 § 3389–1, part. (ii) 1945 c 204 § 2; Rem. Supp. 1945 § 3389–2.] Repealed by 1986 c 279 § 51.

**30.20.080 Ineligibility to receive deposits of public funds.** [1955 c 33 § 30.20.080. Prior: (i) 1945 c 204 § 1, part; Rem. Supp. 1945 § 3389–1, part. (ii) 1945 c 204 § 3; Rem. Supp. 1945 § 3389–3.] Repealed by 1986 c 279 § 51.

### Chapter 30.40 BRANCH BANKS

**30.40.060 Relocation of branch office or drive-in facility in central business district due to redevelopment project.** [1980 c 9 § 1; 1979 c 106 § 7.] Repealed by 1986 c 279 § 51.

## Title 35 CITIES AND TOWNS

### Chapter 35.02

#### INCORPORATION PROCEEDINGS

**35.02.050 Presentation of petition.** [1965 c 7 § 35.02.050. Prior: 1957 c 173 § 5; prior: 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.] Repealed by 1986 c 234 § 39.

**35.02.060 Hearing on petition.** [1965 c 7 § 35.02.060. Prior: 1957 c 173 § 6; prior: 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.] Repealed by 1986 c 234 § 39.

**35.02.080 Election on question and of officers required.** [1965 c 7 § 35.02.080. Prior: 1957 c 173 § 8; prior: 1953 c 219 § 4; 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.] Repealed by 1986 c 234 § 39.

### Chapter 35.03

#### INCORPORATION OF FIRST CLASS CITIES

**35.03.005 "Board of county commissioners" defined.** [1969 ex.s. c 270 § 6.] Repealed by 1986 c 234 § 39. Later enactment, see chapter 35.02 RCW.

**35.03.010 Incorporation authorized--Population--Powers.** [1969 ex.s. c 270 § 1; 1965 c 7 § 35.03.010. Prior: 1951 c 153 § 1.] Repealed by 1986 c 234 § 39. Later enactment, see chapter 35.02 RCW.

**35.03.020 Petition--Determining population, boundaries--Hearing.** [1985 c 469 § 17; 1969 ex.s. c 270 § 2; 1965 c 7 § 35.03.020. Prior: 1951 c 153 § 2, part.] Repealed by 1986 c 234 § 39. Later enactment, see chapter 35.02 RCW.

**35.03.030 Resolution--Election--Conduct of election.** [1975 1st ex.s. c 220 § 4; 1969 ex.s. c 270 § 3; 1965 c 7 § 35.03.030. Prior: 1951 c 153 § 2, part.] Repealed by 1986 c 234 § 39. Later enactment, see chapter 35.02 RCW.

**35.03.035 Incorporation as noncharter code city--Freeholders to act as mayor and council.** [1982 c 220 § 8.] Repealed by 1986 c 234 § 39. Later enactment, see chapter 35.02 RCW.

**35.03.040 Charter--Procedure for adoption--Election of first officials.** [1982 c 220 § 7; 1979 ex.s. c 126 § 16; 1969 ex.s. c 270 § 4; 1965 c 7 § 35.03.040. Prior: 1951 c 153 § 3.] Repealed by 1986 c 234 § 39. Later enactment, see chapter 35.02 RCW.

**35.03.050 Charter--Authentication, recording--Effective date of incorporation--Judicial notice.** [1969 ex.s. c 270 § 5; 1965 c 7 § 35.03.050. Prior: 1951 c 153 § 4.] Repealed by 1986 c 234 § 39. Later enactment, see chapter 35.02 RCW.

**35.03.060 Cancellation, acquisition, of franchise or permit for operation of public service business in territory incorporated.** Cross-reference section, decodified June, 1986.

### Chapter 35.04

#### INCORPORATION OF INTERCOUNTY AREAS

**35.04.010 Definitions.** [1965 c 7 § 35.04.010. Prior: 1955 c 345 § 1.] Repealed by 1986 c 234 § 40. Later enactment, see chapter 35.02 RCW.

**35.04.020 Incorporation authorized--Number of inhabitants required when proximate to city of fifteen thousand or more in certain counties.** [1965 c 7 § 35.04.020. Prior: 1963 c 57 § 3; 1955 c 345 § 2.] Repealed by 1986 c 234 § 40. Later enactment, see chapter 35.02 RCW.

**35.04.030 Petition for incorporation.** [1965 c 7 § 35.04.030. Prior: 1955 c 345 § 3.] Repealed by 1986 c 234 § 40. Later enactment, see chapter 35.02 RCW.

**35.04.040 Petition for incorporation--Duties of county auditors--Certificates of sufficiency.** [1965 c 7 § 35.04.040. Prior: 1955 c 345 §

4.] Repealed by 1986 c 234 § 40. Later enactment, see chapter 35.02 RCW.

**35.04.050 Petition for incorporation--Notice of hearing.** [1965 c 7 § 35.04.050. Prior: 1955 c 345 § 5.] Repealed by 1986 c 234 § 40. Later enactment, see chapter 35.02 RCW.

**35.04.060 Petition for incorporation--Hearing--Inclusion and exclusion of lands--Order.** [1975 1st ex.s. c 220 § 5; 1965 c 7 § 35.04.060. Prior: 1963 c 57 § 4; 1955 c 345 § 6.] Repealed by 1986 c 234 § 40. Later enactment, see chapter 35.02 RCW.

**35.04.070 Determining population.** [1979 c 151 § 24; 1977 ex.s. c 110 § 5; 1965 c 7 § 35.04.070. Prior: 1955 c 345 § 7.] Repealed by 1986 c 234 § 40. Later enactment, see chapter 35.02 RCW.

**35.04.080 Election for incorporation.** [1965 c 7 § 35.04.080. Prior: 1955 c 345 § 8.] Repealed by 1986 c 234 § 40. Later enactment, see chapter 35.02 RCW.

**35.04.090 Candidates--Filing, withdrawal, ballot position--Qualification of electors.** [1965 c 7 § 35.04.090. Prior: 1955 c 345 § 9.] Repealed by 1986 c 234 § 40. Later enactment, see chapter 35.02 RCW.

**35.04.100 Notice of election.** [1965 c 7 § 35.04.100. Prior: 1955 c 345 § 10.] Repealed by 1986 c 234 § 40. Later enactment, see chapter 35.02 RCW.

**35.04.110 Form of ballot.** [1965 c 7 § 35.04.110. Prior: 1955 c 345 § 11.] Repealed by 1986 c 234 § 40. Later enactment, see chapter 35.02 RCW.

**35.04.120 Certification of election results--Order of incorporation--Candidates elected.** [1965 c 7 § 35.04.120. Prior: 1955 c 345 § 12.] Repealed by 1986 c 234 § 40. Later enactment, see chapter 35.02 RCW.

**35.04.130 When incorporation complete--Terms of elected officers--First municipal election.** [1965 c 7 § 35.04.130. Prior: 1955 c 345 § 13.] Repealed by 1986 c 234 § 40. Later enactment, see chapter 35.02 RCW.

**35.04.140 Municipal election procedure.** [1965 c 7 § 35.04.140. Prior: 1955 c 345 § 14.] Repealed by 1986 c 234 § 40. Later enactment, see chapter 35.02 RCW.

**35.04.150 Powers and duties of county officers after incorporation--Costs.** [1986 c 234 § 26; 1965 c 7 § 35.04.150. Prior: 1955 c 345 § 15.] Recodified as RCW 35.02.230 pursuant to 1986 c 234 § 37.

**35.04.160 Powers and duties of county officers after incorporation--Finances--Costs.** [1986 c 234 § 27; 1965 c 7 § 35.04.160. Prior: 1955 c 345 § 16.] Recodified as RCW 35.02.240 pursuant to 1986 c 234 § 37.

**35.04.170 Corporate powers in dealings with federal government.** [1986 c 234 § 28; 1965 c 7 § 35.04.170. Prior: 1955 c 345 § 17.] Recodified as RCW 35.02.250 pursuant to 1986 c 234 § 37.

**35.04.180 Consolidation and annexation.** [1965 c 7 § 35.04.180. Prior: 1955 c 345 § 18.] Repealed by 1986 c 234 § 40. Later enactment, see chapter 35.02 RCW.

**35.04.190 Cancellation, acquisition, of franchise or permit for operation of public service business in territory incorporated.** Cross-reference section, decodified June, 1986.

### Chapter 35.13

#### ANNEXATION OF UNINCORPORATED AREAS

**35.13.247 Annexation of fire districts--Ownership of assets of fire protection district--When at least sixty percent of assessed valuation is annexed or incorporated in city or town.** [1986 c 234 § 18; 1981 c 332 § 5; 1965 c 7 § 35.13.247. Prior: 1963 c 231 § 3.] Recodified as RCW 35.02.190 pursuant to 1986 c 234 § 37.

**35.13.248 Annexation of fire districts--Ownership of assets of fire protection district--When less than sixty percent.** [1986 c 234 § 19; 1967 c 146 § 1; 1965 c 7 § 35.13.248. Prior: 1963 c 231 § 4.] Recodified as RCW 35.02.200 pursuant to 1986 c 234 § 37.



## Chapter 35.21

## MISCELLANEOUS PROVISIONS AFFECTING ALL CITIES AND TOWNS

**35.21.763** Newly incorporated cities and towns—County to provide road maintenance and law enforcement services. [1986 c 234 § 22; 1985 c 143 § 1.] Recodified as RCW 35.02.220 pursuant to 1986 c 234 § 37.

**35.21.764** Newly incorporated cities and towns—County may contract to provide essential services. [1985 c 332 § 7.] Recodified as RCW 35.02.225 pursuant to 1986 c 234 § 38.

## Title 35A

## OPTIONAL MUNICIPAL CODE

## Chapter 35A.03

## INCORPORATION AS NONCHARTER CODE CITY

**35A.03.010** Incorporation as noncharter code city authorized—Number of inhabitants required—Proviso. [1979 ex.s. c 18 § 10; 1967 ex.s. c 119 § 35A.03.010.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.020** Petition for incorporation—Signatures. [1967 ex.s. c 119 § 35A.03.020.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.030** Petition for incorporation—Contents. [1967 ex.s. c 119 § 35A.03.030.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.035** Petition—Auditor's duties. [1967 ex.s. c 119 § 35A.03.035.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.040** Publication of petition and notice. [1967 ex.s. c 119 § 35A.03.040.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.050** Presentation of petition. [1967 ex.s. c 119 § 35A.03.050.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.060** Hearing on petition. [1967 ex.s. c 119 § 35A.03.060.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.070** Findings by board of county commissioners—Factors considered—Establishment of boundaries—Limitation. [1975 1st ex.s. c 220 § 12; 1967 ex.s. c 119 § 35A.03.070.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.075** Population determination. [1967 ex.s. c 119 § 35A.03.075.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.080** Election on question and of officers required. [1967 ex.s. c 119 § 35A.03.080.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.085** Candidates for elective positions—Filing—Withdrawal—Ballot position. [1967 ex.s. c 119 § 35A.03.085.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.090** Election—Conduct—Voters' qualifications. [1967 ex.s. c 119 § 35A.03.090.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.100** Notice of election—Contents. [1967 ex.s. c 119 § 35A.03.100.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.110** Ballots. [1967 ex.s. c 119 § 35A.03.110.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.120** Certification of election results—Order of board declaring incorporation. [1967 ex.s. c 119 § 35A.03.120.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.130** Effective date of incorporation—Terms of elected officers—First municipal election. [1967 ex.s. c 119 § 35A.03.130.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.140** Pending final disposition of petition no other incorporation to be acted upon—Withdrawal or substitution—Action on petition for annexation authorized. [1982 c 220 § 4; 1967 ex.s. c 119 § 35A.03.140.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.151** Road district taxes—Disposition. [1971 ex.s. c 251 § 4.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.152** Road district taxes—Distributions to be in accordance with RCW 35A.03.151, 35A.14.801. [1971 ex.s. c 251 § 16.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.160** Fire protection district and library districts—Continuation of services at option of city. [1986 c 234 § 21; 1967 ex.s. c 119 § 35A.03.160.] Recodified as RCW 35.02.210 pursuant to 1986 c 234 § 37.

**35A.03.170** Franchises within territory incorporated. [1967 ex.s. c 119 § 35A.03.170.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

**35A.03.180** Centerlines of streets, roads or highways as corporate boundaries—Prohibition—Use of right of way lines. [1975 1st ex.s. c 220 § 11.] Repealed by 1986 c 234 § 41. Later enactment, see chapter 35.02 RCW.

## Chapter 35A.04

## INCORPORATION OF INTERCOUNTY AREA AS A NONCHARTER CODE CITY

**35A.04.010** Definitions. [1967 ex.s. c 119 § 35A.04.010.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.020** Incorporation as noncharter code city authorized—Number of inhabitants required—Exception. [1979 ex.s. c 18 § 11; 1967 ex.s. c 119 § 35A.04.020.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.030** Petition for incorporation. [1967 ex.s. c 119 § 35A.04.030.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.040** Duties of county auditors—Certificates of sufficiency. [1967 ex.s. c 119 § 35A.04.040.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.050** Publication of petition and notice. [1967 ex.s. c 119 § 35A.04.050.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.060** Hearing—Factors considered. [1967 ex.s. c 119 § 35A.04.060.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.070** Establishment of boundaries—Limitation—Order. [1979 ex.s. c 18 § 12; 1975 1st ex.s. c 220 § 13; 1967 ex.s. c 119 § 35A.04.070.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.080** Determining population. [1979 ex.s. c 18 § 13; 1979 c 151 § 29; 1967 ex.s. c 119 § 35A.04.080.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.090** Election for incorporation and election of officers. [1967 ex.s. c 119 § 35A.04.090.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.100** Candidates—Filing—Withdrawal—Ballot position—Qualification of voters. [1967 ex.s. c 119 § 35A.04.100.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.110** Notice of election—Contents. [1967 ex.s. c 119 § 35A.04.110.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.120** Ballots. [1967 ex.s. c 119 § 35A.04.120.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.130 Certification of election results--Order declaring incorporation.** [1967 ex.s. c 119 § 35A.04.130.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.140 Effective date of incorporation--Terms of elected officers--First municipal election.** [1967 ex.s. c 119 § 35A.04.140.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.150 Municipal election procedure.** [1967 ex.s. c 119 § 35A.04.150.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.160 Powers and duties of county officers after incorporation--Costs.** [1979 c 151 § 30; 1967 ex.s. c 119 § 35A.04.160.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.170 Finances--Costs.** [1967 ex.s. c 119 § 35A.04.170.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.180 Consolidation and annexation.** [1967 ex.s. c 119 § 35A.04.180.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

**35A.04.190 Franchises within territory incorporated.** [1967 ex.s. c 119 § 35A.04.190.] Repealed by 1986 c 234 § 42. Later enactment, see chapter 35.02 RCW.

## Title 39

### PUBLIC CONTRACTS AND INDEBTEDNESS

#### Chapter 39.04

##### PUBLIC WORKS

**39.04.090 Record of cost, etc., to be published.** [1923 c 183 § 8; RRS § 10322-8.] Repealed by 1986 c 282 § 5.

## Title 41

### PUBLIC EMPLOYMENT, CIVIL SERVICE AND PENSIONS

#### Chapter 41.06

##### STATE CIVIL SERVICE LAW

**41.06.091 State fire protection board--Certain personnel exempted from chapter.** [1985 c 470 § 11.] Repealed by 1986 c 266 § 135.

#### Chapter 41.60

##### STATE EMPLOYEES' SUGGESTION AWARDS AND INCENTIVE PAY

**41.60.130 Employee incentive pay program--Annual status report.** [1982 c 167 § 5.] Repealed by 1986 c 158 § 25.

## Title 42

### PUBLIC OFFICERS AND AGENCIES

#### Chapter 42.18

##### EXECUTIVE CONFLICT OF INTEREST ACT

**42.18.350 Application to Washington state loan fund committee.** [1985 c 164 § 12.] Repealed by 1986 c 204 § 3.

[1986 RCW Supp--page A40]

## Title 43

### STATE GOVERNMENT--EXECUTIVE

#### Chapter 43.03

##### SALARIES AND EXPENSES

**43.03.045 Governor to recommend salaries of state elective officials in budget--Recommendations carried forth in appropriations act constitute official salaries.** [1970 ex.s. c 43 § 4.] Repealed by 1986 c 155 § 14, effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election. See note following RCW 43.03.300.

**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.** [1970 ex.s. c 43 § 6.] Repealed by 1986 c 155 § 14, effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election. See note following RCW 43.03.300.

#### Chapter 43.20A

##### DEPARTMENT OF SOCIAL AND HEALTH SERVICES

**43.20A.700 State council on aging--Prohibited funding.** [1981 c 151 § 5.] Repealed by 1986 c 269 § 5.

#### Chapter 43.21F

##### STATE ENERGY OFFICE

**43.21F.900 Energy office--Termination.** [1981 c 295 § 9.] Repealed by 1986 c 270 § 10.

#### Chapter 43.88

##### BUDGET AND ACCOUNTING

**43.88.111 Entry of allotments into central accounting system--Revision of allotments.** [1981 c 270 § 6.] Repealed by 1986 c 215 § 7.

**43.88.112 Revision of allotments for funds appropriated to the superintendent of public instruction.** [1984 c 138 § 9; 1982 2nd ex.s. c 15 § 2; 1981 c 270 § 7.] Repealed by 1986 c 215 § 7.

#### Chapter 43.101

##### CRIMINAL JUSTICE TRAINING COMMISSION--EDUCATION AND TRAINING STANDARDS BOARDS

**43.101.850 Termination of criminal justice training commission.** [1981 c 133 § 1.] Repealed by 1986 c 270 § 10.

#### Chapter 43.131

##### WASHINGTON SUNSET ACT OF 1977

**43.131.189 Department of community development--Termination.** [1984 c 125 § 19; 1979 c 99 § 21.] Repealed by 1986 c 270 § 10.

**43.131.190 Department of community development--Repeal.** [1985 c 110 § 2; 1984 c 125 § 20; 1979 c 99 § 63.] Repealed by 1986 c 270 § 10.

**43.131.211 Municipal research council--Termination.** [1983 c 22 § 3; 1979 c 99 § 32.] Repealed by 1986 c 270 § 10.

**43.131.212 Municipal research council--Repeal.** [1983 c 22 § 4; 1979 c 99 § 74.] Repealed by 1986 c 270 § 10.

**43.131.213 State board of health--Termination.** [1985 c 213 § 29; 1983 c 235 § 16; 1979 c 99 § 33.] Repealed by 1986 c 273 § 2.

**43.131.214 State board of health--Repeal.** [1985 c 213 § 30; 1983 c 235 § 17; 1979 c 99 § 75.] Repealed by 1986 c 273 § 2.

**43.131.221 State advisory committee--Termination.** [1984 c 259 § 4; 1979 c 99 § 37.] Repealed by 1986 c 270 § 10.

**43.131.222 State advisory committee--Repeal.** [1984 c 259 § 5; 1979 c 99 § 79.] Repealed by 1986 c 270 § 10.

**43.131.273 Fairs commission--Termination.** [1983 c 197 § 10.] Repealed by 1986 c 171 § 1.

**43.131.274 Fairs commission—Repeal.** [1983 c 197 § 36.] Repealed by 1986 c 171 § 1.

**43.131.275 Vehicle inspection program—Termination.** [1983 c 197 § 11.] Repealed by 1986 c 123 § 7.

**43.131.276 Vehicle inspection program—Repeal.** [1983 c 197 § 37.] Repealed by 1986 c 123 § 7.

**43.131.291 Educational services registration act—Termination.** [1983 c 197 § 19.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**43.131.292 Educational services registration act—Repeal.** [1983 c 197 § 45.] Repealed by 1986 c 299 § 26, effective July 1, 1986.

**43.131.305 Regulation of nurses—Termination.** [1983 c 197 § 26.] Repealed by 1986 c 270 § 10.

**43.131.306 Regulation of nurses—Repeal.** [1983 c 197 § 52.] Repealed by 1986 c 270 § 10.

**43.131.307 Judicial council—Termination.** [1983 c 197 § 27.] Repealed by 1986 c 270 § 10.

**43.131.311 Board of accountancy—Termination.** [1983 c 234 § 30.] Repealed by 1986 c 295 § 21, effective July 1, 1986.

**43.131.312 Board of accountancy—Repeal.** [1983 c 234 § 31.] Repealed by 1986 c 295 § 21, effective July 1, 1986.

**43.131.313 State historical societies, office of archaeology and historic preservation, advisory council, heritage council—Termination.** [1983 c 91 § 22.] Repealed by 1986 c 270 § 10.

**43.131.314 State historical societies, office of archaeology and historic preservation, advisory council, heritage council—Repeal.** [1983 c 91 § 23.] Repealed by 1986 c 270 § 10.

#### Chapter 43.180

#### HOUSING FINANCE COMMISSION

**43.180.210 Annual fiscal audit.** [1983 c 161 § 22.] Repealed by 1986 c 264 § 4.

### Title 46

## MOTOR VEHICLES

#### Chapter 46.09

#### OFF-ROAD AND NONHIGHWAY VEHICLES

**46.09.060 ORV use permit period.** [1977 ex.s. c 220 § 5; 1972 ex.s. c 153 § 7; 1971 ex.s. c 47 § 11.] Repealed by 1986 c 206 § 15, effective June 30, 1986.

**46.09.090 Display of use permit and dealer tags.** [1977 ex.s. c 220 § 8; 1972 ex.s. c 153 § 10; 1971 ex.s. c 47 § 14.] Repealed by 1986 c 206 § 15, effective June 30, 1986.

**46.09.260 ORV advisory committee.** [1977 ex.s. c 220 § 19.] Repealed by 1986 c 206 § 15, effective June 30, 1986.

**46.09.270 Program of ORV user education and information—Advisory committee.** [1977 ex.s. c 220 § 20.] Repealed by 1986 c 206 § 15, effective June 30, 1986.

#### Chapter 46.16

#### VEHICLE LICENSES

**46.16.115 Payment of tonnage fees separately on trailers or semi-trailers—Optional.** [1975-'76 2nd ex.s. c 64 § 2; 1973 1st ex.s. c 150 § 4; 1969 ex.s. c 170 § 15.] Repealed by 1985 c 380 § 24 and by 1986 c 18 § 26, effective January 1, 1987.

**46.16.130 Reduction of fees for fractional year.** [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.] Repealed by 1986 c 18 § 26, effective January 1, 1987.

**46.16.275 Replacement plates required, when.** [1984 c 62 § 1; 1983 c 72 § 1.] Repealed by 1986 c 280 § 5.

**46.16.370 Special plates for official representatives of foreign governments—United States citizenship required.** [1983 c 27 § 3; 1967 c 32 § 25; 1961 c 201 § 1.] Repealed by 1986 c 108 § 2.

#### Chapter 46.20

#### DRIVERS' LICENSES—IDENTICARDS

**46.20.092 Director to furnish applicant with summary of implied consent law.** [1979 c 158 § 145; 1969 c 1 § 4 (Initiative Measure No. 242, approved November 5, 1968).] Repealed by 1986 c 101 § 1.

#### Chapter 46.32

#### VEHICLE INSPECTION

**46.32.030 Acquisition of property.** [1961 c 12 § 46.32.030. Prior: 1945 c 44 § 3; 1937 c 189 § 9; Rem. Supp. 1945 § 6360-9.] Repealed by 1986 c 123 § 7.

#### Chapter 46.70

#### UNFAIR MOTOR VEHICLE BUSINESS PRACTICES—DEALERS' AND SALESPERSONS' LICENSES

**46.70.081 Dealer to advise of business location, change—Requirements for multiple locations—Six months' continuation on death or incapacity of holder.** [1973 1st ex.s. c 132 § 10; 1967 ex.s. c 74 § 8.] Repealed by 1986 c 241 § 24.

**46.70.082 Salesman's license—Issuance—Posting—Procedure on termination of employment.** [1973 1st ex.s. c 132 § 11; 1971 ex.s. c 74 § 5; 1967 ex.s. c 74 § 9.] Repealed by 1986 c 241 § 24.

#### Chapter 46.85

#### RECIPROCAL OR PROPORTIONAL REGISTRATION OF VEHICLES

**46.85.135 Application fee—Additional.** [1981 c 222 § 5; 1971 c 51 § 5.] Repealed by 1986 c 18 § 26, effective January 1, 1987.

**46.85.147 Increasing gross weight as subject to minimum fee.** [1971 c 51 § 7.] Repealed by 1986 c 18 § 26, effective January 1, 1987.

#### Chapter 46.87

#### INTERNATIONAL REGISTRATION PLAN

**46.87.100 Application of IRP.** [1985 c 380 § 10.] Repealed by 1986 c 18 § 26, effective January 1, 1987.

**46.87.110 Enforcement—Rules.** [1985 c 380 § 11.] Repealed by 1986 c 18 § 26, effective January 1, 1987.

### Title 47

## PUBLIC HIGHWAYS AND TRANSPORTATION

#### Chapter 47.60

#### PUGET SOUND FERRY AND TOLL BRIDGE SYSTEM

**47.60.350 Puget Sound reserve account—Created—Use.** [1984 c 7 § 326; 1961 ex.s. c 7 § 18.] Repealed by 1986 c 66 § 12, effective July 1, 1987.

**47.60.360 Puget Sound reserve account—Excess funds in account to be transferred to Puget Sound capital construction account.** [1970 ex.s. c 85 § 5; 1961 ex.s. c 7 § 19.] Repealed by 1986 c 66 § 12, effective July 1, 1987.

**47.60.370 Puget Sound reserve account—Specific uses enumerated.** [1984 c 7 § 327; 1961 ex.s. c 7 § 20.] Repealed by 1986 c 66 § 12, effective July 1, 1987.

**47.60.380 Puget Sound reserve account—Transfer of moneys to department of transportation secondary to unpaid obligation—Continuing levy and deposit of motor vehicle fuel and special fuel taxes**

pledged. [1983 c 3 § 138; 1961 ex.s. c 7 § 21.] Repealed by 1986 c 66 § 12, effective July 1, 1987.

**47.60.390 Puget Sound reserve account—Investment of funds not required for specified purposes.** [1984 c 7 § 328; 1961 ex.s. c 7 § 22.] Repealed by 1986 c 66 § 12, effective July 1, 1987.

**47.60.410 Additional revenue bonds, refunding bonds, authorized, 1961 Act—"Ferry improvement fund"—Uses—Composition.** [1984 c 7 § 329; 1961 ex.s. c 9 § 2.] Repealed by 1986 c 66 § 12, effective July 1, 1987.

**47.60.504 Hood Canal bridge account—Created—Use.** [1981 c 184 § 1.] Repealed by 1986 c 66 § 12, effective July 1, 1987.

## Title 48 INSURANCE

### Chapter 48.14 FEES AND TAXES

**48.14.015 Fees for filing rates and forms.** [1982 1st ex.s. c 9 § 35.] Repealed by 1986 c 296 § 10, effective July 1, 1986.

### Chapter 48.48 STATE FIRE PROTECTION (Formerly: State fire marshal)

**48.48.001 Purpose.** [1985 c 470 § 1.] Repealed by 1986 c 266 § 135.

**48.48.005 Membership.** [1985 c 470 § 2.] Repealed by 1986 c 266 § 135.

**48.48.011 Compensation, travel expenses.** [1985 c 470 § 4.] Repealed by 1986 c 266 § 135.

**48.48.015 Duties—Planning and administrative.** [1985 c 470 § 6.] Repealed by 1986 c 266 § 135.

**48.48.021 Duties—Fire service training.** [1985 c 470 § 7.] Repealed by 1986 c 266 § 135.

**48.48.025 Appeal.** [1985 c 470 § 8.] Repealed by 1986 c 266 § 135.

**48.48.028 Supervision of staff.** [1985 c 470 § 10.] Repealed by 1986 c 266 § 135.

## Title 50 UNEMPLOYMENT COMPENSATION

### Chapter 50.20 BENEFITS AND CLAIMS

**50.20.016 Suspension of RCW 50.20.015(2) with respect to individual claimants before December 31, 1986.** [1985 c 285 § 1.] Repealed by 1986 c 106 § 6.

**50.20.017 Existence of economic distress for purposes of RCW 50.20.016.** [1985 c 285 § 2.] Repealed by 1986 c 106 § 6.

## Title 54 PUBLIC UTILITY DISTRICTS

### Chapter 54.16 POWERS

**54.16.290 Residential customers to be offered budget billing or equal payment plan.** [1984 c 251 § 3.] Repealed by 1986 c 245 § 7.

## Title 60 LIENS

### Chapter 60.12

#### LABOR, LANDLORD AND SEED LIENS ON FARM CROPS (Later enactment: See chapter 60.11 RCW)

**60.12.010 Labor lien authorized—Exceptions.** [1933 c 32 § 1; 1927 c 256 § 1; RRS § 1188-1. Prior: 1891 c 75 § 1; 1886 p 114 § 1; Code 1881 § 1975; 1879 p 150 § 1.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.020 Landlord's lien authorized.** [1927 c 256 § 2; RRS § 1188-2.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.030 Rank and priority of lien—Assignment.** [1955 c 336 § 2; 1927 c 256 § 3; RRS § 1188-3. Prior: Code 1881 § 1976; 1879 p 150 § 2.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.040 Notice of labor or landlord's lien—Filing—Requisites—Recorded leases—Damage claim.** [1933 c 119 § 1; 1927 c 256 § 4; RRS § 1188-4. Prior: 1919 c 176 § 1; 1888 p 130 § 1; 1886 p 115 § 2; Code 1881 § 1977; 1879 p 150 § 3. Formerly RCW 60.12.050, part.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.060 Laborer's or landlord's claim—Contents—Amendments.** [1927 c 256 § 5; RRS § 1188-5.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.070 Filing and indexing claims—Fees.** [1985 c 44 § 11; 1933 c 32 § 2; 1927 c 256 § 6; RRS § 1188-6.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.080 Duration of lien—Limitation of action.** [1955 c 336 § 5; 1927 c 256 § 7; RRS § 1188-7.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.090 Foreclosure—Parties.** [1927 c 256 § 8; RRS § 1188-8.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.100 Sheriff as receiver—Notice—Fees—Deposit for possession—Demand before suit.** [1927 c 256 § 9; RRS § 1188-9.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.110 Pleadings by defendants—Amendments.** [1927 c 256 § 10; RRS § 1188-10.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.120 Errors in claim, effect of.** [1927 c 256 § 11; RRS § 1188-11.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.130 Purchase of property subject to lien—Presumption of notice.** [1933 c 119 § 2; 1927 c 256 § 12; RRS § 1188-12.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.140 Judgment—Costs—Disposition of proceeds.** [1927 c 256 § 13; RRS § 1188-13.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.150 Sale before judgment—Deposit of proceeds.** [1927 c 256 § 14; RRS § 1188-14.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.160 Concealment or injury to crops under lien—Damages.** [1927 c 256 § 15; RRS § 1188-15.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.170 Personal action preserved.** [1927 c 256 § 16; RRS § 1188-16.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.180 Seed liens.** [1959 c 226 § 1; 1955 c 336 § 1.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.190 Seed liens—Recording notice of claim.** [1985 c 44 § 12; 1955 c 336 § 3.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.200 Seed liens—Contents of claim.** [1955 c 336 § 4.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.12.210 Seed liens—Existing rights preserved.** [1955 c 336 § 6.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**Chapter 60.14****LIEN FOR AGRICULTURAL DUSTING OR SPRAYING**  
(Later enactment: See chapter 60.11 RCW)

**60.14.010 Liens authorized.** [1955 c 217 § 1.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.14.020 Claim of lien--Filing--Contents--Foreclosure.** [1955 c 217 § 2.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.14.030 Limitation of action to foreclose--Costs.** [1955 c 217 § 3.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**Chapter 60.22****LIEN FOR FURNISHING FERTILIZERS, PESTICIDES, WEED KILLERS**

(Later enactment: See chapter 60.11 RCW)

**60.22.010 Liens authorized--Tenant farmers--Priority--Sale, commingling, disposal of crop.** [1985 c 412 § 9; 1961 c 264 § 1.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.22.020 Claim of lien--Filing--Procedure to foreclose--Time of attachment.** [1977 c 21 § 1; 1961 c 264 § 2.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**60.22.030 Time for foreclosure--Costs--Attorney's fee.** [1961 c 264 § 3.] Repealed by 1986 c 242 § 17, effective January 1, 1987.

**Title 67****SPORTS AND RECREATION--  
CONVENTION FACILITIES****Chapter 67.08****BOXING AND WRESTLING**

**67.08.910 Termination of commission--Performance audit--Report to legislature.** [1981 c 337 § 11.] Repealed by 1986 c 270 § 10.

**Title 70****PUBLIC HEALTH AND SAFETY****Chapter 70.48****CITY AND COUNTY JAILS ACT**

**70.48.030 State jail commission--Created--Composition--Qualifications--Vacancies--Meetings--Termination.** [1979 ex.s. c 232 § 12; 1977 ex.s. c 316 § 3.] Repealed by 1986 c 118 § 18.

**70.48.040 Commission members--Travel expenses--Reimbursement.** [1977 ex.s. c 316 § 4.] Repealed by 1986 c 118 § 18.

**70.48.150 Temporary committee--Created--Membership--Duties--Report to legislature.** [1977 ex.s. c 316 § 15.] Repealed by 1986 c 118 § 18.

**Title 76****FORESTS AND FOREST PRODUCTS****Chapter 76.04****FOREST PROTECTION**

**76.04.010 Definitions.** [1977 ex.s. c 102 § 2; 1971 ex.s. c 207 § 1; 1951 c 58 § 1. Prior: (i) 1911 c 125 § 1; RRS § 5781. (ii) 1911 c 125 § 4, part; RRS § 5784, part. (iii) 1917 c 105 § 6; RRS § 5809.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.005.

**76.04.020 General duties of director.** [1911 c 125 § 2; RRS § 5782. Prior: 1905 c 164 § 2; 1903 c 114 § 5.] Repealed by 1986 c 100 § 59.

**76.04.030 Transfer of powers and duties--Federal funds.** [1921 c 102 § 4 (adding a new section to 1911 c 125, section 23); RRS §

5802.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.025.

**76.04.050 Duties of supervisor--Forest assistants.** [1977 c 75 § 88; 1911 c 125 § 4; RRS § 5784. Prior: 1905 c 164 § 4; 1903 c 114 § 8. Formerly RCW 76.04.010, part, and 76.04.050.] Repealed by 1986 c 100 § 59.

**76.04.060 Wardens--Appointment--Duties--Compensation.** [1937 c 97 § 1; 1923 c 184 § 2; 1921 c 102 § 1; 1911 c 125 § 5; RRS § 5785. Prior: 1905 c 164 § 5.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.035.

**76.04.070 Further duties of wardens.** [1933 c 68 § 1; 1911 c 125 § 6; RRS § 5786. Prior: 1905 c 164 § 6.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.035.

**76.04.080 Rangers--Appointment--Ex officio rangers--Compensation.** [1925 ex.s. c 43 § 2; 1923 c 184 § 3; 1917 c 33 § 1; 1911 c 125 § 7; RRS § 5787. Prior: 1905 c 164 § 7.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.045.

**76.04.090 Duty of prosecuting attorney--Magistrate--Penalties.** [1911 c 125 § 20; RRS § 5800. Prior: 1905 c 164 § 11.] Repealed by 1986 c 100 § 59.

**76.04.100 Service of notices.** [1917 c 105 § 7; RRS § 5810.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.055.

**76.04.110 Arrests without warrant.** [1911 c 125 § 19; RRS § 5799.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.065.

**76.04.120 Rules and regulations--Penalty for violations.** [1979 ex.s. c 8 § 2; 1923 c 184 § 11, part; RRS § 5811-1.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.075.

**76.04.130 Disposition of fines.** [1969 ex.s. c 199 § 32; 1911 c 125 § 21; RRS § 5801.] Repealed by 1986 c 100 § 59.

**76.04.140 Regions of extra fire hazard--Designation--Penalty.** [1957 c 111 § 4; 1953 c 24 § 1; 1925 ex.s. c 43 § 1; RRS § 5782-1.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.305.

**76.04.150 Closed season--Permits.** [1971 ex.s. c 233 § 1; 1965 c 82 § 1; 1953 c 24 § 2; 1951 c 58 § 2; 1945 c 11 § 1; 1925 ex.s. c 43 § 3; 1921 c 102 § 2; 1911 c 125 § 8; Rem. Supp. 1945 § 5788. Prior: 1905 c 164 § 8; 1903 c 114 §§ 6, 7.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.205.

**76.04.170 Burning waste forest material--Permit.** [1971 ex.s. c 233 § 2; 1955 c 142 § 1; 1929 c 207 § 1; 1927 c 223 § 1; RRS § 5788-1. Prior: 1905 c 164 § 8.] Repealed by 1986 c 100 § 59.

**76.04.180 Supervised burning--Fire fighting--Employment--Penalty for refusing assistance.** [1971 ex.s. c 207 § 13; 1929 c 207 § 3; 1923 c 184 § 5; 1917 c 33 § 2; 1911 c 125 § 9; RRS § 5789.] Repealed by 1986 c 100 § 59.

**76.04.190 Closure of forest operation--Penalty.** [1957 c 111 § 5; 1951 2nd ex.s. c 18 § 1; 1937 c 152 § 3; RRS § 5789-1.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.325.

**76.04.200 Suspension of burning permits and hunting privileges.** [1911 c 125 § 10; RRS § 5790.] Repealed by 1986 c 100 § 59.

**76.04.210 Penalties for setting fires or removing notices.** [1955 c 142 § 2; 1925 ex.s. c 43 § 4; 1921 c 102 § 3; 1911 c 125 § 11; RRS § 5791. Prior: 1905 c 164 § 9; 1903 c 114 § 10.] Repealed by 1986 c 100 § 59.

**76.04.220 Wilful or negligent fires--Fire fighting--Refusal to aid--Penalty.** [1909 c 249 § 271; RRS § 2523.] Repealed by 1986 c 100 § 59.

**76.04.222 Certain snags to be felled currently with logging.** [1979 ex.s. c 8 § 1; 1951 c 13 § 1.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.465.

**76.04.240 Burning mill wood waste--Arresters.** [1911 c 125 § 13; RRS § 5793.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.215.

**76.04.242 Dumping mill waste, forest debris--Prohibited--Penalty.** [1971 ex.s. c 134 § 3.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.235.

**76.04.245 Blasting fuse regulations--Penalty.** [1953 c 24 § 8.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.246.

**76.04.251 Steam, internal combustion or electric engines and other spark emitting equipment regulated.** [1973 1st ex.s. c 24 § 1; 1971 ex.s. c 134 § 1; 1965 ex.s. c 12 § 2.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.405.

**76.04.252 Closed season.** [1965 ex.s. c 12 § 3.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.005.

**76.04.270 Penalty for violations--Work stoppage notice.** [1973 1st ex.s. c 24 § 2; 1965 ex.s. c 12 § 10; 1959 c 151 § 2; 1955 c 142 § 12. Prior: 1953 c 24 § 5; 1951 c 58 § 6; 1941 c 63 § 1, part; 1937 c 152 § 1, part; 1923 c 184 § 6, part; 1911 c 125 § 14, part; 1905 c 164 §§ 6, 10, part; Rem. Supp. 1941 § 5794, part.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.415.

**76.04.273 Unauthorized entry into sealed tool box--Penalty.** [1971 ex.s. c 134 § 2.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.425.

**76.04.275 Power driven machinery--Permits.** [1953 c 18 § 1.] Repealed by 1986 c 100 § 59.

**76.04.277 Power driven machinery--Penalty.** [1953 c 18 § 2.] Repealed by 1986 c 100 § 59.

**76.04.280 Deposit of fire or live coals.** [1911 c 125 § 15; RRS § 5795.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.435.

**76.04.290 Reports of fires by carriers.** [1923 c 184 § 7; RRS § 5795-1.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.445.

**76.04.300 Lighted cigars, etc.--Receptacles in conveyances--Penalty.** [1957 c 111 § 8; 1953 c 24 § 6; 1931 c 89 § 1; 1925 ex.s. c 43 § 5; 1923 c 184 § 7, part; RRS § 5795-2.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.455.

**76.04.310 Disposal of forest debris--Permission to allow trees to fall on another's land.** [1971 ex.s. c 207 § 2; 1959 c 151 § 3; 1917 c 33 § 3; 1911 c 125 § 16; RRS § 5796.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.650.

**76.04.340 Destruction of forests--Penalty.** [1923 c 184 § 9; RRS § 5803.] Repealed by 1986 c 100 § 59.

**76.04.350 Owners to protect forests.** [1977 ex.s. c 102 § 3; 1941 c 168 § 2; 1917 c 105 § 1; Rem. Supp. 1941 § 5804.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.600.

**76.04.360 Forest fire protection assessments--Lien--Supervisor's bond--Rule-making authority.** [1983 c 299 § 1; 1982 1st ex.s. c 55 § 1; 1981 c 171 § 1; 1977 ex.s. c 102 § 1. Prior: 1973 1st ex.s. c 195 § 87; 1973 1st ex.s. c 182 § 1; 1971 ex.s. c 207 § 14; 1959 c 123 § 1; 1955 c 142 § 14; 1951 c 58 § 8; 1925 ex.s. c 43 § 6; 1923 c 184 § 10; 1921 c 64 § 1; 1917 c 105 § 2; RRS § 5805.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.610.

**76.04.370 Additional fire hazards--Extreme fire hazard areas--Abatement, isolation or reduction--Summary action--Recovery of costs.** [1971 ex.s. c 207 § 3; 1951 c 235 § 1; 1939 c 58 § 1; 1929 c 134 § 1; 1921 c 64 § 2; 1917 c 105 § 4; RRS § 5807.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.660.

**76.04.380 Uncontrolled fire a public nuisance--Suppression--Duties--Summary action--Recovery of costs.** [1971 ex.s. c 207 § 4; 1951 c 58 § 9; 1945 c 99 § 1; 1937 c 152 § 2; 1917 c 105 § 3; Rem. Supp. 1945 § 5806.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.750.

**76.04.385 Reimbursement for costs of suppression action.** [1973 1st ex.s. c 24 § 3; 1971 ex.s. c 207 § 5.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.475.

**76.04.390 Negligent starting of fires--Permitting existence of extreme fire hazard or forest debris--Liability for costs--Recovery.** [1977 ex.s. c 102 § 4; 1971 ex.s. c 207 § 6; 1923 c 184 § 11, part; RRS

§ 5806-1.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.495.

**76.04.395 Permitting spread of fire--Penalty.** [1923 c 184 § 11, part; RRS § 5806-2. Formerly RCW 9.40.090.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.730.

**76.04.400 Cooperative protection.** [1917 c 105 § 5; RRS § 5808.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.095.

**76.04.410 Contracts for protection and development.** [1949 c 141 § 1; 1933 c 45 § 1; Rem. Supp. 1949 § 5817-1.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.105.

**76.04.420 Corporations may contract with state.** [1933 c 45 § 2; RRS § 5817-2.] Repealed by 1986 c 100 § 59.

**76.04.430 Articles of incorporation--Requirements.** [1933 c 45 § 3; RRS § 5817-3.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.115.

**76.04.440 Requisites of contracts.** [1933 c 45 § 4; RRS § 5817-4.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.125.

**76.04.490 Clarke-McNary fund.** [1939 c 68 § 1; RRS § 5823-1.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 43.30.360.

**76.04.500 Cooperative farm forestry funds.** [1939 c 68 § 2; RRS § 5823-2.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 43.30.370.

**76.04.510 State funds--Loans--Recovery of funds from the landowner contingency fire suppression account.** [1979 ex.s. c 67 § 10; 1971 ex.s. c 207 § 7; 1959 c 332 § 1.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.620.

**76.04.515 Landowner contingency forest fire suppression account.** [1985 c 57 § 74; 1983 c 299 § 2; 1982 1st ex.s. c 55 § 2; 1981 c 28 § 1; 1979 ex.s. c 67 § 11; 1973 1st ex.s. c 24 § 4; 1971 ex.s. c 207 § 8.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.630.

**76.04.520 Forest fire advisory board.** [1979 c 49 § 2; 1971 ex.s. c 207 § 9.] Repealed by 1986 c 100 § 59. Later enactment, see RCW 76.04.145.

## Title 80

### PUBLIC UTILITIES

#### Chapter 80.04

#### REGULATIONS--GENERAL

**80.04.165 Reconsideration of orders--Review.** [1961 c 14 § 80.04-.165. Prior: 1953 c 120 § 1.] Repealed by 1986 c 49 § 1.

## Title 81

### TRANSPORTATION

#### Chapter 81.04

#### REGULATIONS--GENERAL

**81.04.165 Reconsideration of orders--Review.** [1961 c 14 § 81.04-.165. Prior: 1953 c 102 § 2.] Repealed by 1986 c 49 § 1.

## Title 82

### EXCISE TAXES

#### Chapter 82.38

#### SPECIAL FUEL TAX ACT

**82.38.145 Collection of tax on fuel dispensed from keylock metered pump.** [1979 c 40 § 21.] Repealed by 1986 c 29 § 1.

## Title 84 PROPERTY TAXES

### Chapter 84.08

#### GENERAL POWERS AND DUTIES OF DEPARTMENT OF REVENUE

**84.08.200** Listing of taxable ships and vessels with department—Assessment—Certification of values to assessors—Review. [1986 c 229 § 3; 1984 c 250 § 5.] Recodified as RCW 84.40.065 pursuant to 1986 c 229 § 5.

## Title 85 DIKING AND DRAINAGE

### Chapter 85.05

#### DIKING DISTRICTS

**85.05.290** District bonds—Authority to issue—When due and payable—No sale under par. [1983 c 167 § 177; 1921 c 87 § 1; 1895 c 117 § 29; RRS § 4278. Formerly RCW 85.04.125, part.] Repealed by 1986 c 278 § 46.

**85.05.300** District bonds—Form, terms, interest, execution. [1983 c 167 § 178; 1970 ex.s. c 56 § 87; 1969 ex.s. c 232 § 43; 1895 c 117 § 30; RRS § 4279. Formerly RCW 85.04.130, part.] Repealed by 1986 c 278 § 46.

**85.05.310** District bonds—Exchange for warrants. [1895 c 117 § 31; RRS § 4280. Formerly RCW 85.04.125, part.] Repealed by 1986 c 278 § 46.

**85.05.320** District bonds—Assessment to liquidate—Separate fund. [1895 c 117 § 32; RRS § 4281. Formerly RCW 85.04.160, part.] Repealed by 1986 c 278 § 46.

**85.05.330** District bonds—Call and payment by county treasurer. [1895 c 117 § 33; RRS § 4283. Formerly RCW 85.04.135, part.] Repealed by 1986 c 278 § 46.

**85.05.340** District bonds—Assessment for payment of principal and interest. [1983 c 167 § 179; 1895 c 117 § 34; RRS § 4284. Formerly RCW 85.04.160, part.] Repealed by 1986 c 278 § 46.

**85.05.480** Bonds for repairs, etc., in extraordinary circumstances. [1983 c 167 § 180; 1970 ex.s. c 56 § 88; 1969 ex.s. c 232 § 50; 1913 c 156 § 1; RRS § 4282. Formerly RCW 85.04.485.] Repealed by 1986 c 278 § 46.

**85.05.510** Bonds in districts to reclaim tide and unsurveyed lands—Terms—Installments—Warrants—Notice—Cessation of interest. [1983 c 167 § 181; 1925 ex.s. c 69 § 1; RRS § 4292-1. Formerly RCW 85.04.490, part.] Repealed by 1986 c 278 § 46.

**85.05.520** Bonds in districts to reclaim tide and unsurveyed lands—Denominations—Interest rate—Order of payment—Form. [1983 c 167 § 182; 1981 c 156 § 21; 1925 ex.s. c 69 § 2; RRS § 4292-2. Formerly RCW 85.04.495.] Repealed by 1986 c 278 § 46.

**85.05.530** Bonds—Levy to pay principal and interest—Benefits—Place of payment. [1983 c 167 § 183; 1925 ex.s. c 69 § 3; RRS § 4292-3. Formerly RCW 85.04.500.] Repealed by 1986 c 278 § 46.

**85.05.560** Consolidation of districts—Petition—Notice of election. [1985 c 469 § 69; 1913 c 43 § 1; RRS § 4293. Formerly RCW 85.04.520.] Repealed by 1986 c 278 § 47.

**85.05.570** Consolidation of districts—Form of ballot. [1913 c 43 § 2; RRS § 4294. Formerly RCW 85.04.525.] Repealed by 1986 c 278 § 47.

**85.05.580** Consolidation of districts—Election—Order. [1985 c 396 § 40; 1913 c 43 § 3; RRS § 4295. Formerly RCW 85.04.530.] Repealed by 1986 c 278 § 47.

**85.05.590** Consolidation of districts—Commissioners—Term of office. [1913 c 43 § 4; RRS § 4296. Formerly RCW 85.04.535.] Repealed by 1986 c 278 § 47.

**85.05.600** Consolidation of districts—Indebtedness—Future obligations. [1913 c 43 § 5; RRS § 4297. Formerly RCW 85.04.540.] Repealed by 1986 c 278 § 47.

### Chapter 85.06

#### DRAINAGE DISTRICTS AND MISCELLANEOUS DRAINAGE PROVISIONS

**85.06.170** Tax to pay cost on dismissal—Sale of real estate. [1895 c 115 § 17; RRS § 4317. Formerly RCW 85.04.075, part.] Repealed by 1986 c 278 § 46.

**85.06.260** District bonds—Issuance—Date payable—Funding warrants and obligations—No sale under par. [1983 c 167 § 184; 1895 c 115 § 26; RRS § 4326. Formerly RCW 85.04.125, part.] Repealed by 1986 c 278 § 46.

**85.06.270** District bonds—Form, term, execution, interest. [1983 c 167 § 185; 1970 ex.s. c 56 § 89; 1969 ex.s. c 232 § 51; 1895 c 115 § 27; RRS § 4327. Formerly RCW 85.04.130, part.] Repealed by 1986 c 278 § 46.

**85.06.280** District bonds—Exchange for warrants. [1895 c 115 § 28; RRS § 4328. Formerly RCW 85.04.125, part.] Repealed by 1986 c 278 § 46.

**85.06.290** District bonds—Assessment to liquidate. [1895 c 115 § 29; RRS § 4329. Formerly RCW 85.04.160, part.] Repealed by 1986 c 278 § 46.

**85.06.300** District bonds—Call and payment—Duty of treasurer. [1895 c 115 § 30; RRS § 4330. Formerly RCW 85.04.135, part.] Repealed by 1986 c 278 § 46.

**85.06.310** District bonds—Assessment to pay principal and interest. [1983 c 167 § 186; 1895 c 115 § 31; RRS § 4331. Formerly RCW 85.04.160, part.] Repealed by 1986 c 278 § 46.

**85.06.321** Refunding bonds—Form, term, interest, etc. [1983 c 167 § 187; 1970 ex.s. c 56 § 90; 1969 ex.s. c 232 § 52; 1927 c 174 § 1, part; RRS § 4332a. Formerly RCW 85.04.665.] Repealed by 1986 c 278 § 46.

**85.06.322** Refunding bonds—Levy. [1927 c 174 § 1, part; RRS § 4332b. Formerly RCW 85.04.670.] Repealed by 1986 c 278 § 46.

**85.06.323** Refunding bonds—Notice of levy. [1927 c 174 § 1, part; RRS § 4332c. Formerly RCW 85.04.675.] Repealed by 1986 c 278 § 46.

**85.06.324** Refunding bonds—Payment of assessment. [1981 c 156 § 22; 1927 c 174 § 1, part; RRS § 4332d. Formerly RCW 85.04.680.] Repealed by 1986 c 278 § 46.

**85.06.325** Refunding bonds—Execution, sale and exchange—Redemption with money from levy and sale. [1927 c 174 § 1, part; RRS § 4332e. Formerly RCW 85.04.685.] Repealed by 1986 c 278 § 46.

**85.06.326** Refunding bonds—Payment of principal and interest. [1927 c 174 § 1, part; RRS § 4332f. Formerly RCW 85.04.690.] Repealed by 1986 c 278 § 46.

**85.06.327** Refunding bonds—Proceeds to treasurer—Exchange procedure. [1983 c 167 § 188; 1927 c 174 § 1, part; RRS § 4332g. Formerly RCW 85.04.695.] Repealed by 1986 c 278 § 46.

**85.06.328** Refunding bonds—Assessment roll—Delinquency—Foreclosure. [1927 c 174 § 1, part; RRS § 4332h. Formerly RCW 85.04.700.] Repealed by 1986 c 278 § 46.

**85.06.329** Surplus to maintenance fund. [1927 c 174 § 1, part; RRS § 4332i. Formerly RCW 85.04.705.] Repealed by 1986 c 278 § 46.

**85.06.510** Annexation of territory. [1913 c 42 § 1; RRS § 4343. Formerly RCW 85.04.655, part.] Repealed by 1986 c 278 § 47.

**85.06.520** Annexation of territory—Petition—Election. [1913 c 42 § 2; RRS § 4344. Formerly RCW 85.04.655, part.] Repealed by 1986 c 278 § 47.

**85.06.530** Annexation of territory—Election officers. [1913 c 42 § 3; RRS § 4345. Formerly RCW 85.04.655, part.] Repealed by 1986 c 278 § 47.

**85.06.540 Annexation of territory--Election returns--Certification of result--Liability of annexed territory.** [1913 c 42 § 4; RRS § 4346. Formerly RCW 85.04.660.] Repealed by 1986 c 278 § 47.

#### Chapter 85.07

#### MISCELLANEOUS DIKING AND DRAINAGE PROVISIONS

**85.07.020 Dissolution of district--Hearing--Notice.** [1985 c 469 § 73; 1915 c 14 § 1; 1907 c 165 § 1; RRS § 4341. Formerly RCW 85.04.190.] Repealed by 1986 c 278 § 47.

**85.07.030 Dissolution of district--Sale of property--Disposition of proceeds.** [1907 c 165 § 2; RRS § 4342. Formerly RCW 85.04.195.] Repealed by 1986 c 278 § 47.

#### Chapter 85.08

#### DIKING, DRAINAGE, AND SEWERAGE IMPROVEMENT DISTRICTS

**85.08.240 Cost of improvement, how paid--Assessment of benefits--Payment in bonds or warrants--Installments--Call for bonds.** [1983 c 167 § 193; 1933 c 125 § 1; 1927 c 302 § 1; 1923 c 46 § 7; 1917 c 130 § 23; 1913 c 176 § 17; RRS § 4422. Formerly RCW 85.08.240 through 85.08.270.] Repealed by 1986 c 278 § 46.

**85.08.280 Sale of bonds and warrants.** [1983 c 167 § 194; 1917 c 130 § 24; 1913 c 176 § 18; RRS § 4423.] Repealed by 1986 c 278 § 46.

**85.08.580 Consolidation--Resolution--Time for hearing.** [1923 c 46 § 14; 1917 c 130 § 1; RRS § 4449.] Repealed by 1986 c 278 § 47.

**85.08.590 Consolidation--Notice of hearing.** [1917 c 130 § 2; RRS § 4450.] Repealed by 1986 c 278 § 47.

**85.08.600 Consolidation--Objections--Determination.** [1923 c 46 § 15; 1917 c 130 § 3; RRS § 4451.] Repealed by 1986 c 278 § 47.

**85.08.610 Consolidation--Supervisors after consolidation.** [1985 c 396 § 47; 1917 c 130 § 4; RRS § 4452.] Repealed by 1986 c 278 § 47.

**85.08.620 Consolidation--Powers and duties after consolidation.** [1917 c 130 § 5; RRS § 4453. FORMER PART OF SECTION: 1917 c 130 § 6 now codified as RCW 85.08.625.] Repealed by 1986 c 278 § 47.

**85.08.625 Consolidation--Governing statutes.** [1917 c 130 § 6; RRS § 4454. Formerly RCW 86.08.620, part.] Repealed by 1986 c 278 § 47.

#### Chapter 85.09

#### DIKING AND DRAINAGE IMPROVEMENT DISTRICTS--REFUNDING BONDS

**85.09.010 Refunding bonds--Refunding loan from United States--Sale or exchange--Delinquency.** [1983 c 167 § 196; 1933 ex.s. c 38 § 1; 1933 c 22 § 1; 1929 c 211 § 1; RRS § 4459-1. Formerly RCW 85.08.700 through 85.08.730.] Repealed by 1986 c 278 § 46.

**85.09.020 Assessments--Roll--Installments--Payment--Date of hearing.** [1933 c 22 § 2; 1929 c 211 § 2; RRS § 4459-2. Formerly RCW 85.08.740 and 85.08.750.] Repealed by 1986 c 278 § 46.

**85.09.030 Notice of hearing.** [1929 c 211 § 3; RRS § 4459-3. Formerly RCW 85.08.760.] Repealed by 1986 c 278 § 46.

**85.09.040 Hearing--Roll corrected--Confirmation--Order.** [1929 c 211 § 4; RRS § 4459-4. Formerly RCW 85.08.770.] Repealed by 1986 c 278 § 46.

**85.09.050 Collection of assessments--Notice.** [1933 c 22 § 3; 1929 c 211 § 5; RRS § 4459-5. Formerly RCW 85.08.780, part.] Repealed by 1986 c 278 § 46.

**85.09.060 Sale or exchange of refunding bonds.** [1933 c 22 § 4; 1929 c 211 § 6; RRS § 4459-6. Formerly RCW 85.08.780, part.] Repealed by 1986 c 278 § 46.

**85.09.070 Disposition of funds collected.** [1933 c 22 § 5; 1929 c 211 § 7; RRS § 4459-7. Formerly RCW 85.08.790.] Repealed by 1986 c 278 § 46.

**85.09.080 Original assessments to be canceled pro rata.** [1933 c 22 § 6; 1929 c 211 § 8; RRS § 4459-8. Formerly RCW 85.08.800.] Repealed by 1986 c 278 § 46.

**85.09.090 Supplemental and reassessments.** [1933 c 22 § 7; 1929 c 211 § 9; RRS § 4459-9. Formerly RCW 85.08.810.] Repealed by 1986 c 278 § 46.

**85.09.900 Severability--1933 c 22.** [1933 c 22 § 8 (adding new section 10 to 1929 c 211); RRS § 4459-10.] Repealed by 1986 c 278 § 46.

#### Chapter 85.20

#### REORGANIZATION OF DISTRICTS INTO IMPROVEMENT DISTRICTS--1917 ACT

**85.20.080 Assessment roll and resolution.** [1917 c 131 § 7; RRS § 4353. FORMER PART OF SECTION: 1933 c 182 § 7, now codified as RCW 85.22.070.] Repealed by 1986 c 278 § 46.

**85.20.090 Notice of hearing.** [1985 c 469 § 78; 1917 c 131 § 8; RRS § 4353. FORMER PART OF SECTION: 1933 c 182 § 8 now codified as RCW 85.22.080.] Repealed by 1986 c 278 § 46.

**85.20.100 Hearing--Confirmation of roll--Dismissal of proceedings.** [1917 c 131 § 9; RRS § 4355. FORMER PART OF SECTION: 1933 c 182 § 9 now codified as RCW 85.22.090.] Repealed by 1986 c 278 § 46.

**85.20.110 Collection of assessments.** [1917 c 131 § 10; RRS § 4356. FORMER PART OF SECTION: 1933 c 182 § 10 now codified as RCW 85.22.100.] Repealed by 1986 c 278 § 46.

**85.20.130 Disposition of proceeds--Refunding bond redemption fund.** [1917 c 131 § 12; RRS § 4358. FORMER PART OF SECTION: 1933 c 182 § 12 now codified as RCW 85.22.120.] Repealed by 1986 c 278 § 46.

#### Chapter 85.22

#### REORGANIZATION OF DISTRICTS INTO IMPROVEMENT DISTRICTS--1933 ACT

**85.22.070 Assessment roll and resolution.** [1985 c 396 § 52; 1933 c 182 § 7; RRS § 4477-7. Formerly RCW 85.20.080, part.] Repealed by 1986 c 278 § 46.

**85.22.080 Notice of hearing.** [1985 c 469 § 80; 1933 c 182 § 8; RRS § 4477-8. Formerly RCW 85.20.090, part.] Repealed by 1986 c 278 § 46.

**85.22.090 Hearing--Confirmation of roll--Dismissal of proceedings.** [1933 c 182 § 9; RRS § 4477-9. Formerly RCW 85.20.100, part.] Repealed by 1986 c 278 § 46.

**85.22.100 Collection of assessments.** [1933 c 182 § 10; RRS § 4477-10. Formerly RCW 85.20.110, part.] Repealed by 1986 c 278 § 46.

**85.22.110 Sale and issuance of refunding bonds.** [1933 c 182 § 11; RRS § 4477-11. Formerly RCW 85.20.120, part.] Repealed by 1986 c 278 § 46.

**85.22.120 Disposition of proceeds--Refunding bond redemption fund.** [1933 c 182 § 12; RRS § 4477-12. Formerly RCW 85.20.130, part.] Repealed by 1986 c 278 § 46.

#### Chapter 85.24

#### DIKING AND DRAINAGE DISTRICTS IN TWO OR MORE COUNTIES

**85.24.230 Bonds--Issuance and sale--Form, maturity, etc.--Call.** [1983 c 167 § 200; 1981 c 156 § 27; 1923 c 140 § 5; 1909 c 225 § 16; RRS § 4376.] Repealed by 1986 c 278 § 46.

#### Chapter 85.36

#### CONSOLIDATION OF DISTRICTS

**85.36.010 Authority to consolidate--Petition or resolution methods--Election.** [1985 c 396 § 55; 1967 c 154 § 2.] Repealed by 1986 c 278 § 47.



**85.36.020 Authorization to enter into contracts—Powers or authority of other districts not affected.** [1967 c 154 § 3.] Repealed by 1986 c 278 § 47.

**85.36.030 Assessment of benefits.** [1973 1st ex.s. c 195 § 128; 1967 c 154 § 4.] Repealed by 1986 c 278 § 47.

## Title 86 FLOOD CONTROL

### Chapter 86.09

#### FLOOD CONTROL DISTRICTS--1937 ACT

**86.09.184 Emergency contracts without bids—County legislative authority's approval.** [1985 c 396 § 56; 1982 c 104 § 10; 1937 c 72 § 62; RRS § 9663E-62. Formerly RCW 86.08.290, part.] Repealed by 1986 c 278 § 51. Later enactment, see RCW 85.38.190.

**86.09.187 Improvements by district employees.** [1985 c 396 § 57; 1982 c 104 § 4; 1965 c 26 § 4; 1937 c 72 § 63; RRS § 9663E-63. Formerly RCW 86.08.290, part.] Repealed by 1986 c 278 § 51. Later enactment, see RCW 85.38.190.

**86.09.568 General obligation bonds—County legislative authority's approval.** [1985 c 396 § 76; 1937 c 72 § 190; RRS § 9663E-190. Formerly RCW 86.08.730, part.] Repealed by 1986 c 278 § 46.

**86.09.571 General obligation bonds—Terms, form, etc.—Limitation on bond levy.** [1983 c 167 § 203; 1937 c 72 § 191; RRS § 9663E-191. Formerly RCW 86.08.740, part, and 86.08.820, part.] Repealed by 1986 c 278 § 46.

**86.09.574 General obligation bonds—Election to authorize—Vote required.** [1937 c 72 § 192; RRS § 9663E-192. Formerly RCW 86.08.730, part.] Repealed by 1986 c 278 § 46.

**86.09.577 General obligation bonds—Notice of election, contents.** [1985 c 396 § 77; 1937 c 72 § 193; RRS § 9663E-193. Formerly RCW 86.08.730, part.] Repealed by 1986 c 278 § 46.

**86.09.580 General obligation bonds—Interest—Payment dates—Form.** [1983 c 167 § 204; 1970 ex.s. c 56 § 93; 1969 ex.s. c 232 § 44; 1937 c 72 § 194; RRS § 9663E-194. Formerly RCW 86.08.740, part; and 86.08.750, part.] Repealed by 1986 c 278 § 46.

**86.09.583 General obligation bonds—Execution—Facsimile signatures on coupons.** [1983 c 167 § 205; 1937 c 72 § 195; RRS § 9663E-195. Formerly RCW 86.08.750, part.] Repealed by 1986 c 278 § 46.

**86.09.586 General obligation bonds—Recital of authorizing act and number of issue.** [1983 c 167 § 206; 1937 c 72 § 196; RRS § 9663E-196. Formerly RCW 86.08.740, part.] Repealed by 1986 c 278 § 46.

**86.09.589 General obligation bonds—Effect of bonds on existence of benefits and liability.** [1937 c 72 § 197; RRS § 9663E-197. Formerly RCW 86.08.780.] Repealed by 1986 c 278 § 46.

**86.09.604 Short term general obligation bonds.** [1985 c 396 § 80; 1983 c 167 § 208; 1937 c 72 § 202; RRS § 9663E-202. Formerly RCW 86.08.760.] Repealed by 1986 c 278 § 46.

**86.09.607 District bonds—Minimum disposal price—Appraisal when issued in exchange for labor, etc.** [1985 c 396 § 81; 1983 c 167 § 209; 1937 c 72 § 203; RRS § 9663E-203. Formerly RCW 86.08.810, part.] Repealed by 1986 c 278 § 46.

**86.09.610 District bonds—Sale.** [1985 c 396 § 82; 1937 c 72 § 204; RRS § 9663E-204. Formerly RCW 86.08.810, part.] Repealed by 1986 c 278 § 46.

**86.09.613 General obligation bonds—Order of payment—When funds deficient.** [1983 c 167 § 210; 1937 c 72 § 205; RRS § 9663E-205. Formerly RCW 86.08.770.] Repealed by 1986 c 278 § 46.



## Title 1 GENERAL PROVISIONS

### Chapters

- 1.08** Statute law committee (Code reviser).  
**1.40** State medal of merit.

### Chapter 1.08 STATUTE LAW COMMITTEE (CODE REVISER)

#### Sections

- 1.08.100 Repealed.

**1.08.100 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**Transfer of powers, duties, functions of legislative information system to legislative systems administrative committee:** "All powers, duties, and functions of the statute law committee performed through the legislative information system are transferred to the legislative systems administrative committee to be performed through the joint legislative service center. All reports, documents, books, records, files, papers, data, media, and other materials in the possession of the legislative information system shall be transferred to the joint legislative service center. All cabinets, furniture, equipment, and other property used by the legislative information system shall be made available to the joint legislative service center. All existing contracts and obligations of the statute law committee for the legislative information system shall remain in full force and shall be performed by the administrative committee through the joint legislative service center. All employees of the statute law committee assigned to the legislative information system are transferred to the jurisdiction of the legislative systems administrative committee to perform their usual duties upon the same terms as before the transfer. The transfer of powers, duties, and functions under this section shall not affect the validity of any act performed by any employee of the statute law committee before July 1, 1986. All moneys appropriated to the statute law committee for the operation of the legislative information system that remain unspent on July 1, 1986, shall be transferred to the legislative systems revolving fund created in RCW 44.68.070: *Provided*, That all computer services needed by the statute law committee for the remainder of the 1985-87 fiscal biennium, for service levels originally approved by the legislature, shall be provided to the statute law committee by the legislative service center, and thereafter the legislative service center shall charge the statute law committee for computer services pursuant to RCW 44.68.050(2). If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management, after consultation with the chairs of the house and senate ways and means committees, shall make a determination as to the proper allocation and certify the same to the entities concerned and to the state auditor. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification." [1986 c 61 § 11.]

**Effective date—1986 c 61:** "Sections 1 through 10 and section 12 of this act are 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. The remaining sections of this act shall take effect on July 1, 1986." [1986 c 61 § 14.]

### Chapter 1.40 STATE MEDAL OF MERIT

#### Sections

- 1.40.010 State medal of merit established.

- 1.40.020 Nominating committee created—Composition—Meeting—Rules.  
 1.40.030 Delegation of authority to make award.  
 1.40.040 Posthumous award.  
 1.40.050 Certain persons prohibited from receiving award.  
 1.40.060 Appearance of medal—Inscription.

**1.40.010 State medal of merit established.** There is established a decoration of the state medal of merit with accompanying ribbons and appurtenances for award by the governor, in the name of the state, to any person who has been distinguished by exceptionally meritorious conduct in performing outstanding services to the people and state of Washington, upon the nomination of the governor's state medal of merit committee. [1986 c 92 § 1.]

**1.40.020 Nominating committee created—Composition—Meeting—Rules.** There is created the state medal of merit committee for nominating candidates for the award of the state medal of merit. The committee membership consists of the governor, president of the senate, speaker of the house of representatives, and the chief justice of the supreme court, or their designees. The secretary of state shall serve as a nonvoting ex officio member, and shall serve as secretary to the committee. The committee shall meet annually to consider candidates for nomination. The committee shall adopt rules establishing the qualifications for the state medal of merit, the protocol governing the decoration, and the appurtenances necessary to the implementation of this chapter. [1986 c 92 § 2.]

**1.40.030 Delegation of authority to make award.** The governor may delegate the awarding of the state medal of merit to the president of the senate, speaker of the house of representatives, or the chief justice of the supreme court. [1986 c 92 § 3.]

**1.40.040 Posthumous award.** The state medal of merit may be awarded posthumously to be presented to such representative of the deceased as may be deemed appropriate by the governor or the designees specified in RCW 1.40.030. [1986 c 92 § 4.]

**1.40.050 Certain persons prohibited from receiving award.** The state medal of merit shall not be awarded to any elected official while in office or to any candidate for an elected office. [1986 c 92 § 5.]

**1.40.060 Appearance of medal—Inscription.** The decoration of the state medal of merit shall be of bronze and shall consist of the seal of the state of Washington, surrounded by a raised laurel wreath and suspended from a ring attached by a dark green ribbon. The reverse of the decoration within the raised laurel wreath shall be inscribed with the words: "For exceptionally meritorious conduct in performing outstanding services to the people and state of Washington." [1986 c 92 § 6.]

## Title 2 COURTS OF RECORD

### Chapters

- 2.04** Supreme court.
- 2.06** Court of appeals.
- 2.08** Superior courts.
- 2.28** Powers of courts and general provisions.
- 2.56** Administrator for the courts.

### Chapter 2.04 SUPREME COURT

#### Sections

- 2.04.092** Salary of justices. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.)

**2.04.092** Salary of justices. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.) The annual salary of justices of the supreme court shall be established by the Washington citizens' commission on salaries for elected officials. No salary warrant may be issued to a justice of the supreme court until the justice files with the state treasurer an affidavit that no matter referred to the justice for opinion or decision has been uncompleted or undecided for more than six months. [1986 c 155 § 4; 1984 c 258 § 401.]

**Contingent effective date—Severability—1986 c 155:** See notes following RCW 43.03.300.

**Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258:** See notes following RCW 3.30.010. *Salaries of judicial officers: State Constitution Art. 4 §§ 13, 14; Art. 28 § 1; Art. 30 § 1.*

*Washington citizens' commission on salaries for elected officials: RCW 43.03.305.*

### Chapter 2.06 COURT OF APPEALS

#### Sections

- 2.06.062** Salary of judges. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.)

**2.06.062** Salary of judges. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.) The annual salary of the judges of the court of appeals shall be established by the Washington citizens' commission on salaries for elected officials. No salary warrant may be issued to any judge until the judge files with the state treasurer an affidavit that no matter referred to the judge for opinion or decision has been uncompleted for more than six months. [1986 c 155 § 5; 1984 c 258 § 402.]

**Contingent effective date—Severability—1986 c 155:** See notes following RCW 43.03.300.

[1986 RCW Supp—page 2]

**Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258:** See notes following RCW 3.30.010. *Washington citizens' commission on salaries for elected officials: RCW 43.03.305.*

### Chapter 2.08 SUPERIOR COURTS

#### Sections

- 2.08.065** Judges—Grant, Ferry, Okanogan, Mason, Thurston, Pacific, Wahkiakum, Pend Oreille, Stevens, San Juan and Island counties.
- 2.08.067** Mandatory arbitration—Additional judicial positions authorized—Limitations.
- 2.08.092** Salary of judges. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.)

**2.08.065** Judges—Grant, Ferry, Okanogan, Mason, Thurston, Pacific, Wahkiakum, Pend Oreille, Stevens, San Juan and Island counties. There shall be in the county of Grant, two judges of the superior court; in the county of Okanogan, one judge of the superior court; in the county of Mason, one judge of the superior court; in the county of Thurston, five judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Ferry, Pend Oreille, and Stevens jointly, two judges of the superior court; and in the counties of San Juan and Island jointly, two judges of the superior court. [1986 c 76 § 1; 1981 c 65 § 2; 1979 ex.s. c 202 § 4; 1977 ex.s. c 311 § 4; 1973 1st ex.s. c 27 § 3; 1971 ex.s. c 83 § 2; 1969 ex.s. c 213 § 3; 1955 c 159 § 1; 1951 c 125 § 7. Prior: 1927 c 135 § 1, part; 1917 c 97 §§ 4, 5, part; 1913 c 17 § 1; 1911 c 131 § 2; 1907 c 79 § 1, part; 1907 c 178 § 1, part; 1903 c 50 § 1, part; 1895 c 89 § 1, part; 1891 c 68 §§ 1, 3, part; 1890 p 341 § 1, part; RRS § 11045-1, part.]

**Effective date—Appointment of additional judicial position—1986 c 76:** "(1) Pursuant to RCW 2.08.069, the governor shall appoint a person to fill the judicial position created by section 1 of this act in Mason county. The five judges of the superior court serving in the Thurston/Mason judicial district on January 1, 1987, shall be assigned to the new Thurston county judicial district.

(2) This act shall take effect January 1, 1987. The additional judicial position created by section 1 of this act in Mason county shall be effective only if, before January 1, 1987, Thurston and Mason counties, through their duly constituted legislative authorities, document their approval of the additional position and their agreement that they will pay out of county funds, without reimbursement from the state, the expenses resulting from section 1 of this act." [1986 c 76 § 2.] Section 1 of this act is the amendment of RCW 2.08.065 by 1986 c 76.

**Additional judicial positions subject to approval and agreement:** See note following RCW 2.08.064.

**Adjustment in judicial services provided for Douglas, Grant and Chelan counties:** "The superior court judge serving in position two, as designated by the county auditors of Grant and Douglas counties for the 1976 general election, in the counties of Grant and Douglas prior to the effective date of this 1979 act, shall thereafter serve jointly in the counties of Douglas and Chelan, along with the judge previously serving only in Chelan county. The additional superior court judge position created by this 1979 act shall be for Grant county alone, which shall retain the judge in position one previously serving jointly in the counties of Grant and Douglas." [1979 ex.s. c 202 § 5.]

**Effective date—1977 ex.s. c 311:** See note following RCW 2.08.061.

**2.08.067 Mandatory arbitration—Additional judicial positions authorized—Limitations.** All judicial positions created by the legislature after July 28, 1985, including the additional judicial positions created by RCW 2.08.061, 2.08.062, and 2.08.064, shall be authorized only for counties that have implemented a mandatory arbitration program for civil claims to the maximum extent permitted by law. This section does not apply to counties of the third class or smaller, or to two- and three-county judicial districts with a population of less than seventy thousand. Implementing a mandatory arbitration program to the maximum extent permitted by law does not require a county to authorize arbitration for maintenance or child support issues as provided in RCW 7.06.020(2) if:

(1) The county uses a show cause or motion by affidavit calendar, or other procedure by which maintenance or support issues are decided on a summary basis; or

(2) Upon the request of the chief administrative judge of a judicial district, the office of the administrator for the courts determines that a mandatory arbitration program would be more costly and time consuming to the county than the procedure then in use in the county for determining support or maintenance issues. [1986 c 95 § 1; 1985 c 357 § 5.]

**2.08.092 Salary of judges. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.)** The annual salary of the judges of the superior court shall be established by the Washington citizens' commission on salaries for elected officials. [1986 c 155 § 6; 1984 c 258 § 403.]

**Contingent effective date—Severability—1986 c 155:** See notes following RCW 43.03.300.

**Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258:** See notes following RCW 3.30.010.

**Salaries of judicial officers:** *State Constitution Art. 4 § 13, 14; Art. 28 § 1; Art. 30 § 1.*

**Washington citizens' commission on salaries for elected officials:** *RCW 43.03.305.*

**Chapter 2.28  
POWERS OF COURTS AND GENERAL  
PROVISIONS**

Sections  
2.28.100 No court on legal holidays—Exceptions.

**2.28.100 No court on legal holidays—Exceptions.** No court shall be open, nor shall any judicial business be transacted, on a legal holiday, except:

- (1) To give, upon their request, instructions to a jury when deliberating on their verdict;
- (2) To receive the verdict of a jury;
- (3) For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature;
- (4) For hearing applications for and issuing writs of habeas corpus, injunction, prohibition and attachment;

(5) For the issuance of any process or subpoena not requiring immediate judicial or court action, and the service thereof.

The governor, in declaring any legal holiday, in his discretion, may provide in his proclamation that such holiday shall not be applicable to the courts of or within the state. [1986 c 219 § 1; 1933 c 54 § 1; 1927 c 51 § 2; RRS § 64. Prior: 1891 c 41 § 2; Code 1881 § 1267.]

*Courts to be open except on nonjudicial days: State Constitution Art. 4 § 6 (Amendment 28).*

*Legal holidays: RCW 1.16.050.*

**Chapter 2.56  
ADMINISTRATOR FOR THE COURTS**

Sections  
2.56.120 Judicial impact notes—Establishment of procedure—Legislators may request—Copies to be filed.

**2.56.120 Judicial impact notes—Establishment of procedure—Legislators may request—Copies to be filed.** (1) The office of the administrator for the courts, in cooperation with appropriate legislative committees and legislative staff, shall establish a procedure for the provision of judicial impact notes on the effect legislative bills will have on the workload and administration of the courts of this state. The administrator for the courts and the office of financial management shall coordinate the development of judicial impact notes with the preparation of fiscal notes under chapters 43.88A and 43.132 RCW.

(2) The administrator for the courts shall provide a judicial impact note on any legislative proposal at the request of any legislator. The note shall be provided to the requesting legislator and copies filed with the appropriate legislative committees in accordance with subsection (3) of this section when the proposed legislation is introduced in either house.

(3) When a judicial impact note is prepared and approved by the administrator for the courts, copies of the note shall be filed with:

- (a) The chairperson of the committee to which the bill was referred upon introduction in the house of origin;
- (b) The senate committee on ways and means;
- (c) The house of representatives committee on ways and means;
- (d) The senate judiciary committee;
- (e) The house of representatives judiciary committee; and
- (f) The office of financial management.

(4) This section shall not prevent either house of the legislature from acting on any bill before it as otherwise provided by the state Constitution, by law, and by the rules and joint rules of the senate and house of representatives, nor shall the lack of any judicial impact note as provided in this section or any error in the accuracy thereof affect the validity of any measure otherwise duly passed by the legislature. [1986 c 158 § 1; 1984 c 258 § 604.]

**Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258:** See notes following RCW 3.30.010.

### Title 3

## DISTRICT COURTS—COURTS OF LIMITED JURISDICTION

(Formerly: Justice Courts—Courts of Limited Jurisdiction)

### Chapters

- 3.34** District judges.  
**3.58** Salaries and expenses.  
**3.62** Income of court.

### Chapter 3.34

#### DISTRICT JUDGES

(Formerly: Justices of the peace)

#### Sections

- 3.34.130** District judges pro tempore—Reduction in salary of judges replaced—Exception—Reimbursement of counties.

**3.34.130 District judges pro tempore—Reduction in salary of judges replaced—Exception—Reimbursement of counties.** (1) Each district court shall designate one or more persons as judge pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a district judge. The qualifications of a judge pro tempore shall be the same as for a district judge, except that with respect to RCW 3.34.060(1), the person appointed need only be a registered voter of the state. A judge pro tempore may sit in any district of the county for which he or she is appointed. A judge pro tempore shall be paid the salary authorized by the county legislative authority. For each day that a judge pro tempore serves in excess of thirty days during any calendar year, the annual salary of the judge in whose place he or she serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary: *Provided*, That each full time district judge shall have up to fifteen days annual leave without reduction for service on judicial commissions established by the legislature or the chief justice of the supreme court. No reduction in salary shall occur when a judge pro tempore serves while a district judge is using sick leave granted in accordance with RCW 3.34.100.

(2) The legislature may appropriate money for the purpose of reimbursing counties for the salaries of judges pro tempore for certain days in excess of thirty worked per year that the judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (1) of this section. No later than September 1 of each year, each county treasurer shall certify to the administrator for the courts for the year ending the preceding June 30, the number of days in excess of thirty that any judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection

(1) of this section. Upon receipt of the certification, the administrator for the courts shall reimburse the county from money appropriated for that purpose. [1986 c 161 § 4; 1984 c 258 § 302; 1984 c 258 § 19; 1983 c 195 § 2; 1981 c 331 § 9; 1961 c 299 § 22.]

**Severability—1986 c 161:** See note following RCW 43.03.010.

**Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258:** See notes following RCW 3.30.010.

**Intent—1984 c 258:** See note following RCW 3.46.120.

**Court Congestion Reduction Act of 1981—Purpose—Severability—1981 c 331:** See notes following RCW 2.32.070.

### Chapter 3.58

## SALARIES AND EXPENSES

#### Sections

- 3.58.010** Salaries of full time district court judges. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.)

**3.58.010 Salaries of full time district court judges. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.)** The annual salary of each full time district court judge shall be established by the Washington citizen's commission on salaries for elected officials. A member of the legislature whose term of office is partly coextensive with or extends beyond the present term of office of any of the officials whose salary is increased by virtue of the provisions of RCW 43.03.010, 2.04.092, 2.06.062, 2.08.092, and 3.58.010 shall be eligible to be appointed or elected to any of the offices the salary of which is increased hereby but he shall not be entitled to receive such increased salary until after the expiration of his present term of office and his subsequent election or reelection to the office to which he was appointed or elected respectively during his term of office as legislator. [1986 c 155 § 7; 1985 c 7 § 1; 1983 c 186 § 2; 1980 c 162 § 8; 1979 ex.s. c 255 § 8; 1977 ex.s. c 318 § 5; 1975 1st ex.s. c 263 § 5; 1975 c 33 § 3; 1974 ex.s. c 149 § 6 (Initiative Measure No. 282, approved November 6, 1973); 1972 ex.s. c 100 § 4; 1969 c 52 § 1; 1965 c 147 § 1; 1961 c 299 § 100.]

**Contingent effective date—Severability—1986 c 155:** See notes following RCW 43.03.300.

**Effective dates, savings—Severability—1980 c 162:** See notes following RCW 3.02.010.

**Effective date—1979 ex.s. c 255:** See note following RCW 43.03.010.

**Effective date—1977 ex.s. c 318:** See note following RCW 43.03.010.

**Severability—Effective date—1975 1st ex.s. c 263:** See notes following RCW 43.03.010.

**Severability—1975 c 33:** See note following RCW 35.21.780.

**Severability—1974 ex.s. c 149 (Initiative Measure No. 282):** See note following RCW 43.03.010.

*District court judges' salaries: State Constitution Art. 28 § 1.*

*District courts, judges pro tempore, salaries: RCW 3.34.130.*

*Municipal courts, cities over 400,000, judges' salaries: RCW 35.20.160.*

*Superior courts, judges' salaries: RCW 2.08.092.*

Washington citizens' commission on salaries for elected officials: RCW 43.03.305.

**Chapter 3.62**  
**INCOME OF COURT**

Sections  
3.62.090 Public safety and education assessment—Amount.

**3.62.090 Public safety and education assessment—Amount.** (1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to sixty percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under RCW 46.61.515, and in addition to the public safety and education assessment required under subsection (1) of this section, by all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to fifty percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250. The additional assessment required by this subsection shall not be suspended or waived by the court. [1986 c 98 § 4; 1984 c 258 § 337.]

**Effective date—1986 c 98:** "Section 4 of 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 May 1, 1986." [1986 c 98 § 5.] Section 4 of this act consists of the amendments to RCW 3.62.090 by 1986 c 98.

**Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258:** See notes following RCW 3.30.010.

**Intent—1984 c 258:** See note following RCW 3.46.120.  
*Public safety and education account: RCW 43.08.250.*

**Title 4**  
**CIVIL PROCEDURE**

**Chapters**

- 4.16 Limitation of actions.
- 4.22 Contributory fault—Effect—Imputation—Contribution—Settlement agreements.
- 4.24 Special rights of action and special immunities.
- 4.56 Judgments—Generally.
- 4.92 Actions and claims against state.

**Chapter 4.16**  
**LIMITATION OF ACTIONS**

- Sections
- 4.16.160 Application of limitations to actions by state, counties, municipalities.
- 4.16.300 Actions or claims arising from construction, alteration, repair, design, planning, survey, engineering, etc., of improvements upon real property.
- 4.16.310 Actions or claims arising from construction, alteration, repair, design, planning, survey, engineering, etc., of improvements upon real property—Accrual and limitations of actions or claims.
- 4.16.350 Actions for injuries resulting from health care or related services—Physicians, dentists, nurses, etc.—Hospitals, clinics, nursing homes, etc.

**4.16.160 Application of limitations to actions by state, counties, municipalities.** The limitations prescribed in this chapter shall apply to actions brought in the name or for the benefit of any county or other municipality or quasimunicipality of the state, in the same manner as to actions brought by private parties: *Provided*, That, except as provided in RCW 4.16.310, there shall be no limitation to actions brought in the name or for the benefit of the state, and no claim of right predicated upon the lapse of time shall ever be asserted against the state: *And further provided*, That no previously existing statute of limitations shall be interposed as a defense to any action brought in the name or for the benefit of the state, although such statute may have run and become fully operative as a defense prior to February 27, 1903, nor shall any cause of action against the state be predicated upon such a statute. [1986 c 305 § 701; 1955 c 43 § 2. Prior: 1903 c 24 § 1; Code 1881 § 35; 1873 p 10 §§ 34, 35; 1869 p 10 §§ 34, 35; 1854 p 364 § 9; RRS § 167, part.]

**Preamble—1986 c 305:** "Tort law in this state has generally been developed by the courts on a case-by-case basis. While this process has resulted in some significant changes in the law, including amelioration of the harshness of many common law doctrines, the legislature has periodically intervened in order to bring about needed reforms. The purpose of this chapter is to enact further reforms in order to create a more equitable distribution of the cost and risk of injury and increase the availability and affordability of insurance.

The legislature finds that counties, cities, and other governmental entities are faced with increased exposure to lawsuits and awards and dramatic increases in the cost of insurance coverage. These escalating costs ultimately affect the public through higher taxes, loss of essential services, and loss of the protection provided by adequate insurance. In order to improve the availability and affordability of quality governmental services, comprehensive reform is necessary.

The legislature also finds comparable cost increases in professional liability insurance. Escalating malpractice insurance premiums discourage physicians and other health care providers from initiating or continuing their practice or offering needed services to the public and contribute to the rising costs of consumer health care. Other professionals, such as architects and engineers, face similar difficult choices, financial instability, and unlimited risk in providing services to the public.

The legislature also finds that general liability insurance is becoming unavailable or unaffordable to many businesses, individuals, and non-profit organizations in amounts sufficient to cover potential losses. High premiums have discouraged socially and economically desirable activities and encourage many to go without adequate insurance coverage.

Therefore, it is the intent of the legislature to reduce costs associated with the tort system, while assuring that adequate and appropriate

compensation for persons injured through the fault of others is available." [1986 c 305 § 100.]

**Report to legislature—1986 c 305:** "The insurance commissioner shall submit a report to the legislature by January 1, 1991, on the effects of this act on insurance rates and the availability of insurance coverage and the impact on the civil justice system." [1986 c 305 § 909.]

**Application—1986 c 305:** "Except as provided in sections 202 and 601 of this act and except for section 904 of this act, this act applies to all actions filed on or after August 1, 1986." [1986 c 305 § 910.]

**Severability—1986 c 305:** "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." [1986 c 305 § 911.]

**4.16.300 Actions or claims arising from construction, alteration, repair, design, planning, survey, engineering, etc., of improvements upon real property.** RCW 4.16.300 through 4.16.320 shall apply to all claims or causes of action of any kind against any person, arising from such person having constructed, altered or repaired any improvement upon real property, or having performed or furnished any design, planning, surveying, architectural or construction or engineering services, or supervision or observation of construction, or administration of construction contracts for any construction, alteration or repair of any improvement upon real property. This section is intended to benefit only those persons referenced herein and shall not apply to claims or causes of action against manufacturers. [1986 c 305 § 703; 1967 c 75 § 1.]

**Preamble—Report to legislature—Applicability—Severability—1986 c 305:** See notes following RCW 4.16.160.

**4.16.310 Actions or claims arising from construction, alteration, repair, design, planning, survey, engineering, etc., of improvements upon real property—Accrual and limitations of actions or claims.** All claims or causes of action as set forth in RCW 4.16.300 shall accrue, and the applicable statute of limitation shall begin to run only during the period within six years after substantial completion of construction, or during the period within six years after the termination of the services enumerated in RCW 4.16.300, whichever is later. The phrase "substantial completion of construction" shall mean the state of completion reached when an improvement upon real property may be used or occupied for its intended use. Any cause of action which has not accrued within six years after such substantial completion of construction, or within six years after such termination of services, whichever is later, shall be barred: *Provided*, That this limitation shall not be asserted as a defense by any owner, tenant or other person in possession and control of the improvement at the time such cause of action accrues. The limitations prescribed in this section apply to all claims or causes of action as set forth in RCW 4.16.300 brought in the name or for the benefit of the state which are made or commenced after June 11, 1986. [1986 c 305 § 702; 1967 c 75 § 2.]

**Preamble—Report to legislature—Applicability—Severability—1986 c 305:** See notes following RCW 4.16.160.

**4.16.350 Actions for injuries resulting from health care or related services—Physicians, dentists, nurses, etc.—Hospitals, clinics, nursing homes, etc.** Any civil action for damages for injury occurring as a result of health care which is provided after June 25, 1976 against:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

(2) An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative;

based upon alleged professional negligence shall be commenced within three years of the act or omission alleged to have caused the injury or condition, or one year of the time the patient or his representative discovered or reasonably should have discovered that the injury or condition was caused by said act or omission, whichever period expires later, except that in no event shall an action be commenced more than eight years after said act or omission: *Provided*, That the time for commencement of an action is tolled upon proof of fraud, intentional concealment, or the presence of a foreign body not intended to have a therapeutic diagnostic purpose or effect.

For purposes of this section, notwithstanding RCW 4.16.190, the knowledge of a custodial parent or guardian shall be imputed to a person under the age or eighteen years. Any action not commenced in accordance with this section shall be barred. [1986 c 305 § 502; 1975-'76 2nd ex.s. c 56 § 1; 1971 c 80 § 1.]

**Preamble—Report to legislature—Applicability—Severability—1986 c 305:** See notes following RCW 4.16.160.

**Severability—1975-'76 2nd ex.s. c 56:** "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 56 § 15.] This applies to the amendments to RCW 4.16.350, 4.24.240 and to RCW 4.28.360, 4.56.240, 5.64.010 and chapter 7.70 RCW.

*Actions for injuries resulting from health care: Chapter 7.70 RCW.*

*Complaint in personal injury actions not to include statement of damages: RCW 4.28.360.*

*Evidence of furnishing or offering to pay medical expenses inadmissible to prove liability in personal injury actions for medical negligence: Chapter 5.64 RCW.*



*Immunity of members of professional review committees, societies, examining, licensing or disciplinary boards from civil suit: RCW 4.24.240.*

*Proof and evidence required in actions against hospitals, personnel and members of healing arts: RCW 4.24.290.*

*Verdict or award of future economic damages in personal injury or property damage action may provide for periodic payments: RCW 4.56.260.*

## Chapter 4.22

### CONTRIBUTORY FAULT—EFFECT— IMPUTATION—CONTRIBUTION— SETTLEMENT AGREEMENTS

#### Sections

4.22.030 Nature of liability.  
4.22.070 Percentage of fault—Determination—Limitations.

**4.22.030 Nature of liability.** Except as otherwise provided in RCW 4.22.070, if more than one person is liable to a claimant on an indivisible claim for the same injury, death or harm, the liability of such persons shall be joint and several. [1986 c 305 § 402; 1981 c 27 § 11.]

**Preamble—Report to legislature—Applicability—Severability—1986 c 305:** See notes following RCW 4.16.160.

**4.22.070 Percentage of fault—Determination—Limitations.** (1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimants total damages.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking. [1986 c 305 § 401.]

**Preamble—Report to legislature—Applicability—Severability—1986 c 305:** See notes following RCW 4.16.160.

## Chapter 4.24

### SPECIAL RIGHTS OF ACTION AND SPECIAL IMMUNITIES

#### Sections

4.24.005 Tort actions—Attorneys' fees—Determination of reasonableness.  
4.24.115 Validity of agreement to indemnify against liability for negligence relative to construction, alteration, improvement, etc., of structure or improvement attached to real estate.  
4.24.235 Physicians—Immunity from liability regarding safety belts.  
4.24.264 Boards of directors or officers of nonprofit corporations—Civil liability—Limitations.  
4.24.268 School boards of directors or school district superintendents—Civil liability—Limitations.  
4.24.400 Building warden assisting others to evacuate building or attempting to control hazard—Immunity from liability.  
4.24.420 Action by person committing a felony—Defense—Actions under 42 U.S.C. Sec. 1983.

**4.24.005 Tort actions—Attorneys' fees—Determination of reasonableness.** The court shall, upon petition by a named party in any tort action, except those provided for in RCW 7.70.070, determine the reasonableness of that party's attorneys' fees. The court shall take into consideration the following:

(1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

(2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

(3) The fee customarily charged in the locality for similar legal services;

(4) The amount involved and the results obtained;

(5) The time limitations imposed by the client or by the circumstances;

(6) The nature and length of the professional relationship with the client;

(7) The experience, reputation, and ability of the lawyer or lawyers performing the services;

(8) Whether the fee is fixed or contingent;

(9) Whether the fixed or contingent fee agreement was in writing and whether the client was aware of his or her right to petition the court under this section. [1986 c 305 § 201.]

**Application**—1986 c 305 § 201: "Section 201 of this act applies to agreements for attorney's fees entered into after June 11, 1986." [1986 c 305 § 202.]

**Preamble**—**Report to legislature**—**Severability**—1986 c 305: See notes following RCW 4.16.160.

**4.24.115 Validity of agreement to indemnify against liability for negligence relative to construction, alteration, improvement, etc., of structure or improvement attached to real estate.** A covenant, promise, agreement or understanding in, or in connection with or collateral to, a contract or agreement relative to the construction, alteration, repair, addition to, subtraction from, improvement to, or maintenance of, any building, highway, road, railroad, excavation, or other structure, project, development, or improvement attached to real estate, including moving and demolition in connection therewith, purporting to indemnify against liability for damages arising out of bodily injury to persons or damage to property:

(1) Caused by or resulting from the sole negligence of the indemnitee, his agents or employees is against public policy and is void and unenforceable;

(2) Caused by or resulting from the concurrent negligence of (a) the indemnitee or the indemnitee's agents or employees, and (b) the indemnitor or the indemnitor's agents or employees, is valid and enforceable only to the extent of the indemnitor's negligence and only if the agreement specifically and expressly provides therefor, and may waive the indemnitor's immunity under industrial insurance, Title 51 RCW, only if the agreement specifically and expressly provides therefor and the waiver was mutually negotiated by the parties. This subsection applies to agreements entered into after June 11, 1986. [1986 c 305 § 601; 1967 ex.s. c 46 § 2.]

**Preamble**—**Report to legislature**—**Severability**—1986 c 305: See notes following RCW 4.16.160.

**4.24.235 Physicians—Immunity from liability regarding safety belts.** A licensed physician shall not be liable for civil damages resulting directly or indirectly from providing, or refusing to provide, a written verification that a person under that physician's care is [is] unable to wear an automotive safety belt. [1986 c 152 § 2.]

*Safety belts, use required: RCW 46.61.688.*

**4.24.264 Boards of directors or officers of nonprofit corporations—Civil liability—Limitations.** (1) Except as provided in subsection (2) of this section, a member of the board of directors or an officer of any nonprofit corporation is not civilly liable for any act or omission in the course and scope of his or her official capacity unless the act or omission constitutes gross negligence.

(2) Nothing in this section shall limit or modify in any manner the duties or liabilities of a director or officer of a corporation to the corporation or the corporation's shareholders. [1986 c 305 § 903.]

**Preamble**—**Report to legislature**—**Applicability**—**Severability**—1986 c 305: See notes following RCW 4.16.160.

**4.24.268 School boards of directors or school district superintendents—Civil liability—Limitations.** A member of the board of directors or a superintendent of any school district is not civilly liable for any act or omission in the course and scope of his or her official capacity unless the act or omission constitutes gross negligence. [1986 c 305 § 904.]

**Preamble**—**Report to legislature**—**Severability**—1986 c 305: See notes following RCW 4.16.160.

**4.24.400 Building warden assisting others to evacuate building or attempting to control hazard—Immunity from liability.** No building warden, who acts in good faith, with or without compensation, shall be personally liable for civil damages arising from his or her negligent acts or omissions during the course of assigned duties in assisting others to evacuate industrial, commercial, governmental or multi-unit residential buildings or in attempting to control or alleviate a hazard to the building or its occupants caused by fire, earthquake or other threat to life or limb. The term "building warden" means an individual who is assigned to take charge of the occupants on a floor or in an area of a building during an emergency in accordance with a predetermined fire safety or evacuation plan; and/or an individual selected by a municipal fire chief or the director of community development, through the director of fire protection, after an emergency is in progress to assist in evacuating the occupants of such a building or providing for their safety. This section shall not apply to any acts or omissions constituting gross negligence or wilful or wanton misconduct. [1986 c 266 § 79; 1981 c 320 § 1.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**4.24.420 Action by person committing a felony—Defense—Actions under 42 U.S.C. Sec. 1983.** It is a complete defense to any action for damages for personal injury or wrongful death that the person injured or killed was engaged in the commission of a felony, if the felony was causally related to the injury or death in time, place, or activity. However, nothing in this section shall affect a right of action under 42 U.S.C. Sec. 1983. [1986 c 305 § 501.]

**Preamble**—**Report to legislature**—**Applicability**—**Severability**—1986 c 305: See notes following RCW 4.16.160.

## Chapter 4.56

### JUDGMENTS—GENERALLY

#### Sections

4.56.240

4.56.250

4.56.260

Repealed.

Claims for noneconomic damages—Limitation.

Award of future economic damages—Proposal for periodic payments—Security—Satisfaction of judgment.

**4.56.240 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**4.56.250 Claims for noneconomic damages—Limitation.** (1) As used in this section, the following terms

have the meanings indicated unless the context clearly requires otherwise.

(a) "Economic damages" means objectively verifiable monetary losses, including medical expenses, loss of earnings, burial costs, loss of use of property, cost of replacement or repair, cost of obtaining substitute domestic services, loss of employment, and loss of business or employment opportunities.

(b) "Noneconomic damages" means subjective, non-monetary losses, including, but not limited to pain, suffering, inconvenience, mental anguish, disability or disfigurement incurred by the injured party, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation, and destruction of the parent-child relationship.

(c) "Bodily injury" means physical injury, sickness, or disease, including death.

(d) "Average annual wage" means the average annual wage in the state of Washington as determined under RCW 50.04.355.

(2) In no action seeking damages for personal injury or death may a claimant recover a judgment for noneconomic damages exceeding an amount determined by multiplying 0.43 by the average annual wage and by the life expectancy of the person incurring noneconomic damages, as the life expectancy is determined by the life expectancy tables adopted by the insurance commissioner. For purposes of determining the maximum amount allowable for noneconomic damages, a claimant's life expectancy shall not be less than fifteen years. The limitation contained in this subsection applies to all claims for noneconomic damages made by a claimant who incurred bodily injury. Claims for loss of consortium, loss of society and companionship, destruction of the parent-child relationship, and all other derivative claims asserted by persons who did not sustain bodily injury are to be included within the limitation on claims for noneconomic damages arising from the same bodily injury.

(3) If a case is tried to a jury, the jury shall not be informed of the limitation contained in subsection (2) of this section. [1986 c 305 § 301.]

**Preamble—Report to legislature—Applicability—Severability—1986 c 305:** See notes following RCW 4.16.160.

**4.56.260 Award of future economic damages—Proposal for periodic payments—Security—Satisfaction of judgment.** (1) In an action based on fault seeking damages for personal injury or property damage in which a verdict or award for future economic damages of at least one hundred thousand dollars is made, the court or arbitrator shall, at the request of a party, enter a judgment which provides for the periodic payment in whole or in part of the future economic damages. With respect to the judgment, the court or arbitrator shall make a specific finding as to the dollar amount of periodic payments intended to compensate the judgment creditor for the future economic damages.

(2) Prior to entry of judgment, the court shall request each party to submit a proposal for periodic payment of future economic damages to compensate the claimant.

Proposals shall include provisions for: The name of the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, the number of payments or the period of time over which the payments shall be made, modification for hardship or unforeseen circumstances, posting of adequate security, and any other factor the court deems relevant under the circumstances. After each party has submitted a proposal, the court shall select the proposal, with any changes the court deems proper, which in the discretion of the court and the interests of justice best provides for the future needs of the claimant and enter judgment accordingly.

(3) If the court enters a judgment for periodic payments and any security required by the judgment is not posted within thirty days, the court shall enter a judgment for the payment of future damages in a lump sum.

(4) If at any time following entry of judgment for periodic payments, a judgment debtor fails for any reason to make a payment in a timely fashion according to the terms of the judgment, the judgment creditor may petition the court for an order requiring payment by the judgment debtor of the outstanding payments in a lump sum. In calculating the amount of the lump sum judgment, the court shall total the remaining periodic payments due and owing to the judgment creditor converted to present value. The court may also require payment of interest on the outstanding judgment.

(5) Upon the death of the judgment creditor, the court which rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages. Money damages awarded for loss of future earnings shall not be reduced or payments terminated by reason of the death of the judgment creditor.

(6) Upon satisfaction of a periodic payment judgment, any obligation of the judgment debtor to make further payments shall cease and any security posted pursuant to this section shall revert to the judgment debtor. [1986 c 305 § 801.]

**Preamble—Report to legislature—Applicability—Severability—1986 c 305:** See notes following RCW 4.16.160.

**Chapter 4.92**

**ACTIONS AND CLAIMS AGAINST STATE**

Sections	
4.92.010	Where brought—Change of venue.
4.92.020	Service of summons and complaint.
4.92.030	Duties of attorney general—Procedure.
4.92.040	Judgments—Claims to legislature against state— Payment procedure—Inapplicability to judgments and claims against housing finance commission.
4.92.060	Actions against state officers, employees, or volunteers—Request for defense.
4.92.070	Actions against state officers, employees, or volunteers—Defense by attorney general—Expense of defense.
4.92.100	Tortious conduct of state—Claims—Presentment and filing—Contents.
4.92.110	Tortious conduct of state—Presentment and filing of claim prerequisite to suit.
4.92.131	Repealed.

- 4.92.160 Payment of claims and judgments.  
 4.92.170 Payments charged to agencies and departments—  
 Apportionments—Reimbursement of tort claims re-  
 volving fund—Reports—Insurance.

**4.92.010 Where brought—Change of venue.** Any person or corporation having any claim against the state of Washington shall have a right of action against the state in the superior court.

The venue for such actions shall be as follows:

- (1) The county of the residence or principal place of business of one or more of the plaintiffs;
- (2) The county where the cause of action arose;
- (3) The county in which the real property that is the subject of the action is situated;
- (4) The county where the action may be properly commenced by reason of the joinder of an additional defendant; or
- (5) Thurston county.

Actions shall be subject to change of venue in accordance with statute, rules of court, and the common law as the same now exist or may hereafter be amended, adopted, or altered.

Actions shall be tried in the county in which they have been commenced in the absence of a seasonable motion by or in behalf of the state to change the venue of the action. [1986 c 126 § 1; 1973 c 44 § 1; 1963 c 159 § 1; 1927 c 216 § 1; 1895 c 95 § 1; RRS § 886.]

**Severability—1963 c 159:** "If any provision of this act, or its application to any persons or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1963 c 159 § 12.] This applies to RCW 4.92.010, 4.92.040, and 4.92.090 through 4.92.170.

*Venue: Chapter 4.12 RCW.*

**4.92.020 Service of summons and complaint.** Service of summons and complaint in such actions shall be served in the manner prescribed by law upon the attorney general, or by leaving the summons and complaint in the office of the attorney general with an assistant attorney general. [1986 c 126 § 2; 1927 c 216 § 2; 1895 c 95 § 2; RRS § 887.]

**4.92.030 Duties of attorney general—Procedure.** The attorney general or an assistant attorney general shall appear and act as counsel for the state. The action shall proceed in all respects as other actions. Appeals may be taken to the supreme court or court of appeals of the state as in other actions or proceedings, but in case an appeal shall be taken on behalf of the state, no bond shall be required of the appellant. [1986 c 126 § 3; 1971 c 81 § 24; 1895 c 95 § 3; RRS § 888.]

**4.92.040 Judgments—Claims to legislature against state—Payment procedure—Inapplicability to judgments and claims against housing finance commission.**

(1) No execution shall issue against the state on any judgment.

(2) Whenever a final judgment against the state is obtained in an action on a claim arising out of tortious conduct, the claim shall be paid from the tort claims revolving fund.

(3) Whenever a final judgment against the state shall have been obtained in any other action, the clerk of the court shall make and furnish to the risk management office a duly certified copy of such judgment; the risk management office shall thereupon audit the amount of damages and costs therein awarded, and the same shall be paid from appropriations specifically provided for such purposes by law.

(4) Final judgments for which there are no provisions in state law for payment shall be transmitted by the risk management office to the senate and house of representatives committees on ways and means as follows:

(a) On the first day of each session of the legislature, the risk management office shall transmit judgments received and audited since the adjournment of the previous session of the legislature.

(b) During each session of legislature, the risk management office shall transmit judgments immediately upon completion of audit.

(5) All claims, other than judgments, 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 of the claim and shall be filed with the risk management office, which shall retain the same as a record. All claims of two thousand dollars or less shall be approved or rejected by the risk management office, and if approved shall be paid from appropriations specifically provided for such purpose by law. Such decision, if adverse to the claimant in whole or part, shall not preclude the claimant from seeking relief from the legislature. If the claimant accepts any part of his or her claim which is approved for payment by the risk management office, such acceptance shall constitute a waiver and release of the state from any further claims relating to the damage or injury asserted in the claim so accepted. The risk management office shall submit to the house and senate committees on ways and means, at the beginning of each regular session, a comprehensive list of all claims paid pursuant to this subsection during the preceding year. For all claims not approved by the risk management office, the risk management office shall recommend to the legislature whether such claims should be approved or rejected. Recommendations shall be submitted to the senate and house of representatives committees on ways and means not later than the thirtieth day of each regular session of the legislature. Claims which cannot be processed for timely submission of recommendations shall be held for submission during the following regular session of the legislature. The recommendations shall include, but not be limited to:

(a) A summary of the facts alleged in the claim, and a statement as to whether these facts can be verified by the risk management office;

(b) An estimate by the risk management office of the value of the loss or damage which was alleged to have occurred;

(c) An analysis of the legal liability, if any, of the state for the alleged loss or damage; and

(d) A summary of equitable or public policy arguments which might be helpful in resolving the claim.

(5) The legislative committees to whom such claims are referred shall make a transcript, recording, or statement of the substance of the evidence given in support of such a claim. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law.

(6) Subsections (3) through (5) of this section do not apply to judgments or claims against the state housing finance commission created under chapter 43.180 RCW. [1986 c 126 § 4; 1983 c 161 § 28; 1979 ex.s. c 167 § 1; 1979 c 151 § 2; 1977 ex.s. c 144 § 1; 1963 c 159 § 6; 1895 c 95 § 4; RRS § 889.]

**Severability—Effective dates—1983 c 161:** See RCW 43.180-903 and 43.180.904.

**4.92.060 Actions against state officers, employees, or volunteers—Request for defense.** Whenever an action or proceeding for damages shall be instituted against any state officer, including state elected officials, employee, or volunteer, arising from acts or omissions while performing, or in good faith purporting to perform, official duties, such officer, employee, or volunteer may request the attorney general to authorize the defense of said action or proceeding at the expense of the state. [1986 c 126 § 5; 1985 c 217 § 1; 1975 1st ex.s. c 126 § 1; 1975 c 40 § 1; 1921 c 79 § 1; RRS § 890-1.]

**4.92.070 Actions against state officers, employees, or volunteers—Defense by attorney general—Expense of defense.** If the attorney general shall find that said officer, employee, or volunteer's acts or omissions were, or purported to be in good faith, within the scope of that person's official duties, said request shall be granted, in which event the necessary expenses of the defense of said action or proceeding shall be paid from the appropriations made for the support of the department to which such officer, employee, or volunteer is attached. In such cases the attorney general shall appear and defend such officer, employee, or volunteer, who shall assist and cooperate in the defense of such suit. [1986 c 126 § 6; 1985 c 217 § 2; 1975 1st ex.s. c 126 § 2; 1975 c 40 § 2; 1921 c 79 § 2; RRS § 890-2.]

**4.92.100 Tortious conduct of state—Claims—Presentment and filing—Contents.** All claims against the state for damages arising out of tortious conduct shall be presented to and filed with the risk management office. All such claims shall be verified and shall accurately describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing the claim or if the claimant is a minor, or is a nonresident of

the state, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing the claimant.

With respect to the content of such claims this section shall be liberally construed so that substantial compliance will be deemed satisfactory. [1986 c 126 § 7; 1979 c 151 § 3; 1977 ex.s. c 144 § 2; 1967 c 164 § 2; 1963 c 159 § 3.]

**Purpose—Severability—1967 c 164:** See notes following RCW 4.96.010.

*Puget Sound ferry and toll bridge system, claims against:* RCW 47.60.250.

**4.92.110 Tortious conduct of state—Presentment and filing of claim prerequisite to suit.** No action shall be commenced against the state for damages arising out of tortious conduct until a claim has first been presented to and filed with the risk management office. The requirements of this section shall not affect the applicable period of limitations within which an action must be commenced, but such period shall begin and shall continue to run as if no claim were required. [1986 c 126 § 8; 1979 c 151 § 4; 1977 ex.s. c 144 § 3; 1963 c 159 § 4.]

**4.92.131 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**4.92.160 Payment of claims and judgments.** Payment of claims and judgments arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any agency or department of state government with the exception of the risk management office, and that office shall authorize and direct the payment of moneys only from the tort claims revolving fund whenever:

(1) The head or governing body of any agency or department of state or the designee of any such agency certifies to the risk management office that a claim has been settled under authority of RCW 4.92.140 as herein or hereafter amended; or

(2) The clerk of court has made and forwarded a certified copy of a final judgment in a court of competent jurisdiction and the attorney general certifies that the judgment is final and was entered in an action on a claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. Payment of a judgment shall be made to the clerk of the court for the benefit of the judgment creditors. Upon receipt of payment, the clerk shall satisfy the judgment against the state. [1986 c 126 § 9; 1979 ex.s. c 144 § 3; 1979 c 151 § 5; 1975 1st ex.s. c 126 § 6; 1969 c 140 § 2; 1963 c 159 § 10.]

**Severability—1969 c 140:** See note following RCW 4.92.130.  
*Duty of clerk to forward copy of judgment:* RCW 4.92.040.

**4.92.170 Payments charged to agencies and departments—Apportionments—Reimbursement of tort claims revolving fund—Reports—Insurance.** Liability for and payment of claims arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. is declared to be a proper charge as part of the

normal cost of operating the various agencies and departments of state government whose operations and activities give rise to the liability and a lawful charge against moneys appropriated or available to such agencies and departments.

Within any agency or department the charge shall be apportioned among such appropriated and other available moneys in the same proportion that the moneys finance the activity causing liability. Whenever the operations and activities of more than one agency or department combine to give rise to a single liability, the risk management office shall determine the comparative responsibility of each agency or department for the liability.

State agencies shall make reimbursement to the tort claims revolving fund for any payment made from it for the benefit of such agencies. The director of financial management is authorized and directed to transfer or order the transfer to the tort claims revolving fund, from moneys available or appropriated to such agencies, that sum of money which is a proper charge against them. Such amounts may be expended for the purposes for which the tort claims revolving fund was created by RCW 4.92.130 without further or additional appropriation. In any case where reimbursement would seriously disrupt or prevent substantial performance of the operations or activities of the state agency, the director of financial management may relieve the agency of all or a portion of the obligation to make reimbursement.

The risk management office shall report on request to the legislature on the status of the tort claims revolving fund, all payments made therefrom, all reimbursements made thereto, and the identity of agencies and departments of state government whose operations and activities give rise to liability.

The risk management office may authorize agencies, in accordance with chapter 41.05 RCW to the extent that it is applicable, to purchase insurance to protect and hold personally harmless any officer or employee of the state, or any classes of such officers or employees or for other persons performing services for the state, whether by contract or otherwise, from any action, claim, or proceeding for damages arising out of the performance of duties for, employment with, or the performance of services on behalf of the state and to hold the officer or employee harmless from any expenses connected with the defense, settlement, or monetary judgment from such actions.

The risk management office shall adopt rules governing the procedures to be followed in making payment from the tort claims revolving fund. The office of financial management shall adopt rules governing the procedures to be followed in reimbursing the tort claims revolving fund and in relieving an agency of its obligation to reimburse the tort claims revolving fund. [1986 c 126 § 10; 1979 c 151 § 6; 1977 ex.s. c 228 § 2; 1977 c 75 § 3; 1975 1st ex.s. c 126 § 7; 1969 c 140 § 3; 1963 c 159 § 11.]

**Severability—1969 c 140:** See note following RCW 4.92.130.

## Title 5 EVIDENCE

### Chapters

- 5.40** Proof—General provisions.  
**5.60** Witnesses—Competency.  
**5.62** Witnesses—Registered nurses.

### Chapter 5.40

#### PROOF—GENERAL PROVISIONS

##### Sections

- 5.40.050** Breach of duty—Evidence of negligence—Negligence per se.  
**5.40.060** Defense to personal injury or wrongful death action—Intoxicating liquor or any drug.

**5.40.050 Breach of duty—Evidence of negligence—Negligence per se.** A breach of a duty imposed by statute, ordinance, or administrative rule shall not be considered negligence per se, but may be considered by the trier of fact as evidence of negligence; however, any breach of duty as provided by statute, ordinance, or administrative rule relating to electrical fire safety, the use of smoke alarms, or driving while under the influence of intoxicating liquor or any drug, shall be considered negligence per se. [1986 c 305 § 901.]

**Preamble—Report to legislature—Applicability—Severability—1986 c 305:** See notes following RCW 4.16.160.

**5.40.060 Defense to personal injury or wrongful death action—Intoxicating liquor or any drug.** It is a complete defense to an action for damages for personal injury or wrongful death that the person injured or killed was under the influence of intoxicating liquor or any drug and that such condition contributed more than fifty percent to his or her injuries or death. If the amount of alcohol in a person's blood is shown by chemical analysis of his or her blood, breath, or other bodily substance to have been 0.10 percent or more by weight of alcohol in the blood, it is conclusive proof that the person was under the influence of intoxicating liquor. [1986 c 305 § 902.]

**Preamble—Report to legislature—Applicability—Severability—1986 c 305:** See notes following RCW 4.16.160.

### Chapter 5.60

#### WITNESSES—COMPETENCY

##### Sections

- 5.60.020** Who may testify.  
**5.60.050** Who are incompetent.  
**5.60.060** Who are disqualified—Privileged communications.

**5.60.020 Who may testify.** Every person of sound mind and discretion, except as hereinafter provided, may be a witness in any action, or proceeding. [1986 c 195 § 1; Code 1881 § 388; 1877 p 85 § 390; 1869 p 103 § 383; 1854 p 186 § 289; RRS § 1210.]

**5.60.050 Who are incompetent.** The following persons shall not be competent to testify:

(1) Those who are of unsound mind, or intoxicated at the time of their production for examination, and

(2) Those who appear incapable of receiving just impressions of the facts, respecting which they are examined, or of relating them truly. [1986 c 195 § 2; Code 1881 § 391; 1877 p 86 § 393; 1869 p 103 § 386; 1863 p 154 § 33; 1854 p 186 § 293; RRS § 1213.]

**5.60.060 Who are disqualified—Privileged communications.** (1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 71.05 RCW: *Provided*, That the spouse of a person sought to be detained under chapter 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2) An attorney or counselor shall not, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment.

(3) A clergyman or priest shall not, without the consent of a person making the confession, be examined as to any confession made to him in his professional character, in the course of discipline enjoined by the church to which he belongs.

(4) A physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Within ninety days of filing an action for personal injuries or wrongful death, the claimant shall elect whether or not to waive the physician-patient privilege. If the claimant does not waive the physician-patient privilege, the claimant may not put his or her mental or physical condition or that of his or her decedent or beneficiaries in issue and may not waive the privilege later in the proceedings. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him in official confidence, when the public interest would suffer by the disclosure. [1986 c 305 § 101; 1982 c 56 § 1; 1979 ex.s. c 215 § 2; 1965 c 13 § 7; Code 1881 § 392; 1879 p 118 § 1; 1877 p 86 § 394; 1873 p 107 § 385; 1869 p 104 § 387; 1854 p 187 § 294; RRS § 1214. Cf. 1886 p 73 § 1.]

*Rules of court: Cf. CR 43(g).*

**Preamble—Report to legislature—Applicability—Severability—1986 c 305:** See notes following RCW 4.16.160.

**Severability—1982 c 56:** "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." [1982 c 56 § 2.] This applies to RCW 5.60.060.

*Nonsupport or family desertion, spouse as witness: RCW 26.20.071.*

*Optometrist—Client, privileged communications: RCW 18.53.200.*

*Psychologist—Client, privileged communications: RCW 18.83.110.*

*Report of child abuse: Chapter 26.44 RCW.*

*Uniform reciprocal enforcement of support act—Spouse as witness: RCW 26.21.170.*

## Chapter 5.62

### WITNESSES—REGISTERED NURSES

#### Sections

5.62.020	Registered nurse—Privileged communications—Exceptions.
5.62.030	Nurse-patient privilege subject to limitations and exemptions applicable to physician-patient privilege.

**5.62.020 Registered nurse—Privileged communications—Exceptions.** No registered nurse providing primary care or practicing under protocols, whether or not the physical presence or direct supervision of a physician is required, may be examined in a civil or criminal action as to any information acquired in attending a patient in the registered nurse's professional capacity, if the information was necessary to enable the registered nurse to act in that capacity for the patient, unless:

(1) The patient consents to disclosure or, in the event of death or disability of the patient, his or her personal representative, heir, beneficiary, or devisee consents to disclosure; or

(2) The information relates to the contemplation or execution of a crime in the future, or relates to the neglect or the sexual or physical abuse of a child, or of a vulnerable adult as defined in RCW 74.34.020, or to a person subject to proceedings under chapter 71.05 or 71.34 RCW. [1986 c 212 § 1; 1985 c 447 § 2.]

**5.62.030 Nurse-patient privilege subject to limitations and exemptions applicable to physician-patient privilege.** Notwithstanding anything to the contrary in this chapter, the privilege created in this chapter is subject to the same limitations and exemptions contained in RCW 26.26.120, 26.44.060(3), and 51.04.050 as those limitations and exemptions relate to the physician/patient privilege of RCW 5.60.060. [1986 c 212 § 2; 1985 c 447 § 3.]

## Title 7 SPECIAL PROCEEDINGS AND ACTIONS

### Chapters

- 7.68**    **Victims of crimes—Compensation, assistance.**  
**7.70**    **Actions for injuries resulting from health care.**  
**7.75**    **Dispute resolution centers.**

### Chapter 7.68

#### VICTIMS OF CRIMES—COMPENSATION, ASSISTANCE

##### Sections

- 7.68.060    Applications for benefits.  
 7.68.070    Benefits—Right to and amount—Limitations.  
 7.68.080    Medical aid.  
 7.68.160    Claims of persons injured prior to effective date.

**7.68.060 Applications for benefits.** (1) For the purposes of applying for benefits under this chapter, the rights, privileges, responsibilities, duties, limitations and procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and 51.28.060 as now or hereafter amended shall apply: *Provided*, That no compensation of any kind shall be available under this chapter if:

(a) An application for benefits is not received by the department within one year after the date the criminal act was reported to a local police department or sheriff's office or the date the rights of dependents or beneficiaries accrued; or

(b) The criminal act is not reported by the victim or someone on his behalf to a local police department or sheriff's office within seventy-two hours of its occurrence or, if it could not reasonably have been reported within that period, within seventy-two hours of the time when a report could reasonably have been made.

(2) This section shall apply only to criminal acts reported after December 31, 1985. [1986 c 98 § 1; 1985 c 443 § 14; 1977 ex.s. c 302 § 4; 1975 1st ex.s. c 176 § 2; 1973 1st ex.s. c 122 § 6.]

**Severability—Effective date—1985 c 443:** See notes following RCW 7.69.010.

#### **7.68.070 Benefits—Right to and amount—Limitations.**

**Application—1985 c 443 § 15:** "The amendments to RCW 7.68.070 by this act apply only to criminal acts occurring after December 31, 1985." [1986 c 98 § 3; 1985 c 443 § 17.]

**7.68.080 Medical aid.** The provisions of chapter 51.36 RCW as now or hereafter amended govern the provision of medical aid under this chapter to victims injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, except that:

(1) The provisions contained in RCW 51.36.030, 51.36.040, and 51.36.080 as now or hereafter amended do not apply to this chapter;

(2) The specific provisions of RCW 51.36.020 as now or hereafter amended relating to supplying emergency transportation do not apply: *Provided*, That when the injury to any victim is so serious as to require his being taken from the place of injury to a place of treatment, reasonable transportation costs to the nearest place of proper treatment shall be reimbursed from the fund established pursuant to RCW 7.68.090. [1986 c 98 § 2; 1983 c 239 § 3; 1981 1st ex.s. c 6 § 27; 1975 1st ex.s. c 176 § 4; 1973 1st ex.s. c 122 § 8.]

**Effective date—Severability—1981 1st ex.s. c 6:** See notes following RCW 74.04.005.

**7.68.160 Claims of persons injured prior to effective date.** Any person who has been injured as a result of a "criminal act" as herein defined on or after January 1, 1972 up to the effective date of this 1973 act, who would otherwise be eligible for benefits under this chapter, may for a period of ninety days from the effective date of this 1973 act, file a claim for benefits with the department on a form provided by the department. The department shall investigate and review such claims, and, within two hundred ten days of the effective date of this 1973 act, shall report to the governor its findings and recommendations as to such claims, along with a statement as to what special legislative relief, if any, the department recommends should be provided. [1986 c 158 § 2; 1973 1st ex.s. c 122 § 16.]

**Effective date—1973 1st ex.s. c 122:** See RCW 7.68.900 and note following.

### Chapter 7.70

#### ACTIONS FOR INJURIES RESULTING FROM HEALTH CARE

##### Sections

- 7.70.090    Hospital governing bodies—Liability—Limitations.

**7.70.090 Hospital governing bodies—Liability—Limitations.** Members of the board of directors or other governing body of a public or private hospital are not individually liable for injuries resulting from health care administered by a health care provider granted privileges to provide health care at the hospital unless the decision to grant the privilege to provide health care at the hospital constitutes gross negligence. [1986 c 305 § 905.]

**Preamble—Report to legislature—Applicability—Severability—1986 c 305:** See notes following RCW 4.16.160.

### Chapter 7.75

#### DISPUTE RESOLUTION CENTERS

##### Sections

- 7.75.100    Immunity from civil action.

**7.75.100 Immunity from civil action.** (1) Members of the board of directors of a dispute resolution center are immune from suit in any civil action based upon any



proceedings or other official acts performed in good faith as members of the board.

(2) Employees and volunteers of a dispute resolution center are immune from suit in any civil action based on any proceedings or other official acts performed in their capacity as employees or volunteers, except in cases of wilful or wanton misconduct.

(3) A dispute resolution center is immune from suit in any civil action based on any of its proceedings or other official acts performed by its employees, volunteers, or members or its board of directors, except (a) in cases of wilful or wanton misconduct by its employees or volunteers, and (b) in cases of official acts performed in bad faith by members of its board. [1986 c 95 § 2.]

## Title 9

### CRIMES AND PUNISHMENTS

(See also Washington Criminal Code, Title 9A RCW)

#### Chapters

- 9.40 Fire, crimes relating to.
- 9.41 Firearms and dangerous weapons.
- 9.46 Gambling—1973 act.
- 9.68A Sexual exploitation of children.
- 9.73 Privacy, violating right of.
- 9.94A Sentencing reform act of 1981.
- 9.95 Indeterminate sentences.

*Health care false claim act: Chapter 48.80 RCW.*

#### Chapter 9.40

### FIRE, CRIMES RELATING TO

#### Sections

- 9.40.100 Injuring or tampering with fire alarm apparatus or equipment—Sounding false alarm of fire.

**9.40.100 Injuring or tampering with fire alarm apparatus or equipment—Sounding false alarm of fire.** Any person who wilfully and without cause tampers with, molests, injures or breaks any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any fire fighting equipment, or who wilfully and without having reasonable grounds for believing a fire exists, sends, gives, transmits, or sounds any false alarm of fire, by shouting in a public place or by means of any public or private fire alarm system or signal, or by telephone, is guilty of a misdemeanor. This provision shall not prohibit the testing of fire alarm systems by persons authorized to do so, by a fire department or the director of community development, through the director of fire protection. [1986 c 266 § 80; 1967 c 204 § 1.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

#### Chapter 9.41

### FIREARMS AND DANGEROUS WEAPONS

#### Sections

- 9.41.098 Forfeiture of firearms, order by courts—Return to owner—Confiscation by law enforcement officer.

**9.41.098 Forfeiture of firearms, order by courts—Return to owner—Confiscation by law enforcement officer.** (1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: *Provided*, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50 RCW;

(d) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of his breath, blood, or other bodily substance;

(e) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;

(f) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a crime of violence or a crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Known to have been used in the commission of a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50 RCW.

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess, retention of the firearm as evidence, appropriate use by a law enforcement agency in the state, donation to a historical museum, or sale at a public auction to a commercial seller. The proceeds from any sale shall be divided as follows: The local jurisdiction shall retain its costs, including actual costs of storage and sale, and shall forward the remainder to the

state game commission for use in its firearms training program pursuant to RCW 77.32.155. If the court orders delivery to a law enforcement agency and the agency no longer requires use of the firearm, the agency shall dispose of the firearm in a manner which is consistent with this subsection.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section. [1986 c 153 § 1; 1983 c 232 § 6.]

**Severability**—1983 c 232: See note following RCW 9.41.010.

### Chapter 9.46

#### GAMBLING—1973 ACT

##### Sections

9.46.085 Gambling commission—Members and employees—  
Activities prohibited.

**9.46.085 Gambling commission—Members and employees—Activities prohibited.** A member or employee of the gambling commission shall not:

(1) Serve as an officer or manager of any corporation or organization which conducts a lottery or gambling activity;

(2) Receive or share in, directly or indirectly, the gross profits of any gambling activity regulated by the commission;

(3) Be beneficially interested in any contract for the manufacture or sale of gambling devices, the conduct of [a] gambling activity, or the provision of independent consultant services in connection with a gambling activity. [1986 c 4 § 1.]

### Chapter 9.68A

#### SEXUAL EXPLOITATION OF CHILDREN

(Formerly: Child pornography)

##### Sections

9.68A.090 Communication with minor for immoral purposes.  
9.68A.110 Certain defenses barred, permitted.

**9.68A.090 Communication with minor for immoral purposes.** (1) A person who communicates with a minor for immoral purposes is guilty of a gross misdemeanor, unless that person has previously been convicted under

this section or of a felony sexual offense under chapter 9.68A, 9A.44, or 9A.64 RCW or of any other felony sexual offense in this or any other state, in which case the person is guilty of a class C felony punishable under chapter 9A.20 RCW.

(2) As used in this section, "minor" means a person under eighteen years of age. [1986 c 319 § 2; 1984 c 262 § 8.]

**9.68A.110 Certain defenses barred, permitted.** (1) In a prosecution under RCW 9.68A.040, it is not a defense that the defendant was involved in activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses. Law enforcement and prosecution agencies shall not employ minors to aid in the investigation of a violation of RCW 9.68A.090 or 9.68A.100. This chapter does not apply to individual case treatment in a recognized medical facility or individual case treatment by a psychiatrist or psychologist licensed under Title 18 RCW, or to lawful conduct between spouses.

(2) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or 9.68A.080, it is not a defense that the defendant did not know the age of the child depicted in the visual or printed matter: *Provided*, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense the defendant was not in possession of any facts on the basis of which he or she should reasonably have known that the person depicted was a minor.

(3) In a prosecution under RCW 9.68A.040, 9.68A.090, or 9.68A.100, it is not a defense that the defendant did not know the alleged victim's age: *Provided*, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant reasonably believed the alleged victim to be at least eighteen years of age based on declarations by the alleged victim.

(4) In a prosecution under RCW 9.68A.050 or 9.68A.060, it is not a defense that the defendant did not know the alleged victim's age: *Provided*, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant reasonably believed the alleged victim to be at least sixteen years of age based on declarations by the alleged victim.

(5) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070, the state is not required to establish the identity of the alleged victim. [1986 c 319 § 3; 1984 c 262 § 10.]

### Chapter 9.73

#### PRIVACY, VIOLATING RIGHT OF

##### Sections

9.73.030 Intercepting or recording private communication—  
Consent required—Exceptions.  
9.73.090 Certain emergency response personnel exempted from  
RCW 9.73.030 through 9.73.080—Standards—  
Authorizations by judge or magistrate—Admissibility  
of material.

**9.73.030 Intercepting or recording private communication—Consent required—Exceptions.** (1) Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, or record any:

(a) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit said communication regardless how such device is powered or actuated, without first obtaining the consent of all the participants in the communication;

(b) Private conversation, by any device electronic or otherwise designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the consent of all the persons engaged in the conversation.

(2) Notwithstanding subsection (1) of this section, wire communications or conversations (a) of an emergency nature, such as the reporting of a fire, medical emergency, crime, or disaster, or (b) which convey threats of extortion, blackmail, bodily harm, or other unlawful requests or demands, or (c) which occur anonymously or repeatedly or at an extremely inconvenient hour, or (d) which relate to communications by a hostage holder or barricaded person as defined in RCW 70.85.100, whether or not conversation ensues, may be recorded with the consent of one party to the conversation.

(3) Where consent by all parties is needed pursuant to this chapter, consent shall be considered obtained whenever one party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: *Provided*, That if the conversation is to be recorded that said announcement shall also be recorded.

(4) An employee of any regularly published newspaper, magazine, wire service, radio station, or television station acting in the course of bona fide news gathering duties on a full time or contractual or part time basis, shall be deemed to have consent to record and divulge communications or conversations otherwise prohibited by this chapter if the consent is expressly given or if the recording or transmitting device is readily apparent or obvious to the speakers. Withdrawal of the consent after the communication has been made shall not prohibit any such employee of a newspaper, magazine, wire service, or radio or television station from divulging the communication or conversation. [1986 c 38 § 1; 1985 c 260 § 2; 1977 ex.s. c 363 § 1; 1967 ex.s. c 93 § 1.]

**Reviser's note:** This section was amended by 1985 c 260 § 2 and by 1986 c 38 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Severability—1967 ex.s. c 93:** "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 93 § 7.]

**9.73.090 Certain emergency response personnel exempted from RCW 9.73.030 through 9.73.080—Standards—Authorizations by judge or magistrate—Admissibility of material.** (1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police, fire, emergency medical service, emergency communication center, and poison center personnel in the following instances:

(a) Recording incoming telephone calls to police and fire stations, licensed emergency medical service providers, emergency communication centers, and poison centers;

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording;

(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: *Provided*, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: *Provided however*, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(4) Authorizations issued under this section shall be effective for not more than seven days, after which period the issuing authority may upon application of the officer who secured the original authorization renew or continue the authorization for an additional period not to exceed seven days. [1986 c 38 § 2; 1977 ex.s. c 363 § 3; 1970 ex.s. c 48 § 1.]

**Severability—1970 ex.s. c 48:** "If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this chapter so adjudged to be invalid or unconstitutional." [1970 ex.s. c 48 § 3.]

### Chapter 9.94A

#### SENTENCING REFORM ACT OF 1981

##### Sections

9.94A.030	Definitions.
9.94A.040	Sentencing guidelines commission—Established—Powers and duties.
9.94A.070	Standard sentence ranges—Revisions or modifications—Submission to legislature.
9.94A.110	Sentencing hearing—Time period for holding—Presentence reports—Victim impact statement and criminal history—Arguments—Record.
9.94A.120	Sentences (as amended by 1986 c 257).
9.94A.120	Sentences (as amended by 1986 c 301 § 3). (Effective until July 1, 1987.)
9.94A.120	Sentences (as amended by 1986 c 301 § 4). (Effective July 1, 1987.)
9.94A.122	Repealed.
9.94A.123	Legislative finding and intent—Commitment of felony sexual offenders after July 1, 1987.
9.94A.190	Terms of more than one year or less than one year—Where served—Reimbursement of costs.
9.94A.300	Repealed.
9.94A.310	Table 1—Sentencing grid.
9.94A.320	Table 2—Crimes included within each seriousness level.
9.94A.330	Table 3—Offender score matrix.
9.94A.360	Offender score.
9.94A.370	Presumptive sentence.
9.94A.390	Departures from the guidelines.
9.94A.400	Consecutive/concurrent sentences.
9.94A.410	Anticipatory offenses.
9.94A.440	Evidentiary sufficiency.

**9.94A.030 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the sentencing guidelines commission.

(2) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(3) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender. For purposes of the interstate compact for out of state supervision of parolees and

probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(4) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).

(5) "Confinement" means total or partial confinement as defined in this section.

(6) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(7) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(8) (a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" includes a defendant's prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(9) "Department" means the department of corrections.

(10) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(11) "Drug offense" means any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403).

(12) "Escape" means escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), wilful failure to return from furlough (RCW 72.66.060), or wilful failure to return from work release (RCW 72.65.070).

(13) "Felony traffic offense" means vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), or felony hit-and-run injury-accident (RCW 46.52.020(4)).

(14) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(15)(a) "First-time offender" means any person who is convicted of a felony not classified as a violent offense or a sex offense under this chapter, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

(16) "Nonviolent offense" means an offense which is not a violent offense.

(17) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(18) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any the state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

(19) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(20) "Serious traffic offense" means driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)).

(21) "Serious violent offense" is a subcategory of violent offense and means murder in the first degree, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies.

(22) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(23) "Sex offense" means a felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A-.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes.

(24) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other

unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(25) "Victim" means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

(26) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, vehicular homicide, and vehicular assault;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in subsection (26)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under subsection (26) (a) or (b) of this section. [1986 c 257 § 17; 1985 c 346 § 5; 1984 c 209 § 3; 1983 c 164 § 9; 1983 c 163 § 1; 1982 c 192 § 1; 1981 c 137 § 3.]

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—1986 c 257 §§ 17-35: "Sections 17 through 35 of this act shall take effect July 1, 1986." [1986 c 257 § 38.]

**Effective dates**—1984 c 209: See note following RCW 9.92.150.

**Effective date**—1983 c 163: See note following RCW 9.94A.120.

**9.94A.040 Sentencing guidelines commission—Established—Powers and duties.** (1) A sentencing guidelines commission is established as an agency of state government.

(2) The commission shall, following a public hearing or hearings:

(a) Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;

(b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements; and

(c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.

(5) In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines. The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(6) This commission shall conduct a study to determine the capacity of correctional facilities and programs which are or will be available. While the commission need not consider such capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentences which shall be consistent with such capacity.

(7) The commission may recommend to the legislature revisions or modifications to the standard sentence ranges and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity.

(8) The commission shall study the existing criminal code and from time to time make recommendations to the legislature for modification.

(9) The commission shall exercise its duties under this section in conformity with chapter 34.04 RCW, as now existing or hereafter amended. [1986 c 257 § 18; 1982 c 192 § 2; 1981 c 137 § 4.]

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—1986 c 257 §§ 17-35: See note following RCW 9.94A.030.

**9.94A.070 Standard sentence ranges—Revisions or modifications—Submission to legislature.** Revisions or modifications of standard sentence ranges or other standards, together with any additional list of standard sentence ranges, shall be submitted to the legislature at least every two years. [1986 c 257 § 19; 1981 c 137 § 7.]

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—1986 c 257 §§ 17-35: See note following RCW 9.94A.030.

**9.94A.110 Sentencing hearing—Time period for holding—Presentence reports—Victim impact statement and criminal history—Arguments—Record.** Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good

cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing. The court shall consider the presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys. [1986 c 257 § 34; 1985 c 443 § 6; 1984 c 209 § 5; 1981 c 137 § 11.]

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—1986 c 257 §§ 17-35: See note following RCW 9.94A.030.

**Severability—Effective date**—1985 c 443: See notes following RCW 7.69.010.

**Effective dates**—1984 c 209: See note following RCW 9.92.150.

**Effective date**—1981 c 137: See RCW 9.94A.905.

**9.94A.120 Sentences (as amended by 1986 c 257).** When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) (~~and~~), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender(~~other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020~~), the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay a fine, ~~((make restitution;))~~ and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, ~~((restitution;))~~ a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of ~~((any))~~ a sex offense other than a violation of ~~((chapter 9A.44 RCW or RCW 9A.64.020 except))~~ RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions ~~((of chapter 9A.44 RCW, RCW 9A.64.020;))~~ for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;

(iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(iv) Report as directed to the court and a community corrections officer;

(v) Pay a fine, ~~((make restitution;))~~ accomplish some community service work, or any combination thereof; or

(vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State

Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services. The offender shall be transferred to the state pending placement in the treatment program.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court for determination as to whether the offender shall be transferred to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW ~~((9A.20.020))~~.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(14) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution. [1986 c 257 § 20; 1984 c 209 § 6; 1983 c 163 § 2; 1982 c 192 § 4; 1981 c 137 § 12.]

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—1986 c 257 §§ 17–35: See note following RCW 9.94A.030.

**9.94A.120 Sentences (as amended by 1986 c 301 § 3).** (Effective until July 1, 1987.) When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) (~~and~~), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay a fine(~~(, make restitution,))~~ and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, (~~restitution,))~~ a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of (~~any~~) a sex offense other than a violation of (~~chapter 9A.44 RCW or RCW 9A.64.020 except~~) RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions (~~of chapter 9A.44 RCW, RCW 9A.64.020,))~~ for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence

range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;

(iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(iv) Report as directed to the court and a community corrections officer;

(v) Pay a fine, (~~make restitution,))~~ accomplish some community service work, or any combination thereof; or

(vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced before July 1, 1987, to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court (~~for determination as to whether~~). The sentencing court shall commit the offender (~~shall be transferred~~) to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, (b) of this subsection shall cease to have effect.

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such



terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW (~~9A.20.020~~).

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(14) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution. [1986 c 301 § 3; 1984 c 209 § 6; 1983 c 163 § 2; 1982 c 192 § 4; 1981 c 137 § 12.]

**Reviser's note:** RCW 9.94A.120 was amended twice during the 1986 legislative session, each without reference to the other.

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

**9.94A.120 Sentences (as amended by 1986 c 301 § 4). (Effective July 1, 1987.)** When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community

supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay a fine and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;

(iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(iv) Report as directed to the court and a community corrections officer;

(v) Pay a fine, accomplish some community service work, or any combination thereof; or

(vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced ~~((before))~~ on or after July 1, 1987, to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, ~~((order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender~~

treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of his term of confinement)) request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

If the offender ((successfully)) completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court ((may)) to convert the balance of confinement to community supervision and ((may)) to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in (b) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced prior to July 1, 1987.

After June 30, 1993, (b) of this subsection shall cease to have effect.

(c) Whenever a court sentences a person convicted of a sex offense committed after July 1, 1986, to a term of confinement of more than one year, including a sentence under (b) of this subsection, the court may also order, in addition to the other terms of the sentence, that the offender, upon release from confinement, serve up to two years of community supervision. The conditions of supervision shall be limited to:

- (i) Crime-related provisions;
- (ii) A requirement that the offender report to a community corrections officer at regular intervals; and
- (iii) A requirement to remain within or without stated geographical boundaries.

The length and conditions of supervision shall be set by the court at the time of sentencing. However, within thirty days prior to release from confinement and throughout the period of supervision, the length and conditions of supervision may be modified by the sentencing court, upon motion of the department of corrections, the offender, or the prosecuting attorney. The period of supervision shall be tolled during any time the offender is in confinement for any reason. In no case may the period of supervision, in combination with the other terms of the offender's sentence, exceed the statutory maximum term for the offender's crime, as set forth in RCW 9A.20.021.

If the offender violates any condition of supervision, the sentencing court, after a hearing conducted in the same manner as provided for in RCW 9.94A.200, may order the offender to be confined for up to sixty days in the county jail at state expense from funds provided for this purpose to the department of corrections. Reimbursement rates for such purposes shall be established based on a formula determined by the office of financial management and reestablished each even-numbered year. An offender may be held in jail at state expense pending the hearing, and any time served while awaiting the hearing shall be credited against confinement imposed for a violation. Even after the period of supervision has expired, an offender may be confined for a violation occurring during the period of supervision. The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction.

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive

days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(14) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution. [1986 c 301 § 4; 1986 c 301 § 3; 1984 c 209 § 6; 1983 c 163 § 2; 1982 c 192 § 4; 1981 c 137 § 12.]

**Reviser's note:** Subsection (7)(c) of this section was vetoed by the governor in the amendment of the section by 1986 c 301 § 3 but was not vetoed in the amendment of the section by 1986 c 301 § 4. The veto message may be found in the 1986 Session Laws following chapter 301.

**Effective date—1986 c 301 § 4:** "Section 4 of this act shall take effect July 1, 1987." [1986 c 301 § 8.]

**Effective dates—1984 c 209:** See note following RCW 9.92.150.

**Effective date—1983 c 163:** "Sections 1 through 5 of this act shall take effect on July 1, 1984." [1983 c 163 § 7.]

**Effective date—1981 c 137:** See RCW 9.94A.905.

**9.94A.122 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**9.94A.123 Legislative finding and intent—Commitment of felony sexual offenders after July 1, 1987.** The legislature finds that the sexual offender treatment programs at western and eastern state hospitals, while not proven to be totally effective, may be of some benefit in positively affecting the behavior of certain sexual offenders. Given the significance of the problems of sexual assault and sexual abuse of children, it is therefore appropriate to review and revise these treatment efforts.

At the same time, concerns regarding the lack of adequate security at the existing programs must be satisfactorily addressed. In an effort to promote public safety, it is the intent of the legislature to transfer the

responsibility for felony sexual offenders from the department of social and health services to the department of corrections.

Therefore, on and after July 1, 1987, no person convicted of a felony sexual offense may be committed under RCW 9.94A.120(7)(b) to the department of social and health services at eastern state hospital or western state hospital. Any person committed before July 1, 1987, to the department of social and health services under RCW 9.94A.120(7)(b) and still in the custody of the department of social and health services on June 30, 1993, shall be transferred to the custody of the department of corrections. On and after July 1, 1987, any person eligible for evaluation or treatment under RCW 9.94A.120(7)(b) shall be committed to the department of corrections. [1986 c 301 § 1.]

**Plan for administration of sexual offender treatment program:** "(1) In cooperation and consultation with the mental health division of the department of social and health services, the department of corrections shall develop a plan for the administration of a sexual offender treatment program. In developing the plan, the department of corrections may consult with private agencies providing counseling to sex offenders. The plan shall include:

- (a) Criteria to determine amenability to treatment;
- (b) A description of the structure and organization of the program and program options, including staffing requirements;
- (c) The treatment methods and the number and characteristics of offenders proposed to be served;
- (d) The selection of the location or locations of the program within the existing institutions operated by the department of corrections, including identification of alternative sites within the existing institutions operated by the department of corrections;
- (e) An analysis of a proposal to permit selected offenders to participate in the program only during the last two or three years of their term of confinement;
- (f) Program security;
- (g) Program costs;
- (h) A description of the mechanisms and procedures to be used to collect valid and reliable data on program completion rates, recidivism rates, and escape rates;
- (i) A method for tracking offenders who have been released which method can be used to determine the efficacy of the treatment program;
- (j) An analysis and description of other treatment models; and
- (k) Negotiations with the exclusive bargaining representative of the employees affected to provide preferential consideration for job retention, including but not limited to interagency transfer or promotion during the period of transition.

(2) Any consultation, information, or other services necessary for the development of the plan, shall upon request by the department of corrections be provided to the department of corrections by the department of social and health services, the legislative budget committee, the office of financial management, the administrator for the courts, and the data processing authority and shall be provided without charge to the department of corrections.

(3) The plan shall be submitted to the legislature by January 1, 1987, and shall take effect on July 1, 1987, unless otherwise directed by law." [1986 c 301 § 2.]

**Construction relative to collective bargaining units and agreements—1986 c 301:** "Nothing contained in this act shall be construed to alter any existing collective bargaining unit existing on April

4, 1986, or the provisions of any collective bargaining agreement existing on April 4, 1986, until such agreement has expired or until any such bargaining unit has been modified by action of the state personnel board as provided by law." [1986 c 301 § 5.]

**Reimbursement of department of corrections:** "During the remainder of the 1985–1987 biennium, upon authorization of the office of financial management, the department of social and health services shall reimburse the department of corrections as is necessary for the department of corrections to provide custody to those persons determined not to be amenable to treatment or those persons referred to court by the department of social and health services for failure to comply with the conditions of the program and committed to the department of corrections." [1986 c 301 § 6.]

**9.94A.190 Terms of more than one year or less than one year—Where served—Reimbursement of costs.**

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided for in subsection (3) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided for in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department of corrections for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.400. [1986 c 257 § 21; 1984 c 209 § 10; 1981 c 137 § 19.]

**Severability—1986 c 257:** See note following RCW 9A.56.010.

**Effective date—1986 c 257 §§ 17–35:** See note following RCW 9.94A.030.

**Effective dates—1984 c 209:** See note following RCW 9.92.150.

**Effective date—1981 c 137:** See RCW 9.94A.905.

**9.94A.300 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

9.94A.310 Table 1—Sentencing grid.

(1)

TABLE 1  
Sentencing Grid

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
<b>XIV</b>	Life Sentence without Parole/Death Penalty									
<b>XIII</b>	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281- 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548
<b>XII</b>	12y 123- 164	13y 134- 178	14y 144- 192	15y 154- 205	16y 165- 219	17y 175- 233	19y 195- 260	21y 216- 288	25y 257- 342	29y 298- 397
<b>XI</b>	6y 62- 82	6y9m 69- 92	7y6m 77- 102	8y3m 85- 113	9y 93- 123	9y9m 100- 133	12y6m 129- 171	13y6m 139- 185	15y6m 159- 212	17y6m 180- 240
<b>X</b>	5y 51- 68	5y6m 57- 75	6y 62- 82	6y6m 67- 89	7y 72- 96	7y6m 77- 102	9y6m 98- 130	10y6m 108- 144	12y6m 129- 171	14y6m 149- 198
<b>IX</b>	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	5y 51- 68	5y6m 57- 75	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144	12y6m 129- 171
<b>VIII</b>	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144
<b>VII</b>	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116
<b>VI</b>	13m 12+- 14	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y6m 46- 61	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102
<b>V</b>	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y 41- 54	5y 51- 68	6y 62- 82	7y 72- 96
<b>IV</b>	6m 3- 9	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y2m 53- 70	6y2m 63- 84
<b>III</b>	2m 1- 3	5m 3- 8	8m 4- 12	11m 9- 12	14m 12+- 16	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y 51- 68
<b>II</b>	0-90 Days	4m 2- 6	6m 3- 9	8m 4- 12	13m 12+- 14	16m 14- 18	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57
<b>I</b>	0-60	0-90	3m 2-	4m 2-	5m 3-	8m 4-	13m 12+-	16m 14-	20m 17-	2y2m 22-

SERIOUSNESS SCORE

OFFENDER SCORE

0	1	2	3	4	5	6	7	8	9 or more
Days	Days	5	6	8	12	14	18	22	29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon as defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice was armed with a deadly weapon and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive range determined under subsection (2) of this section:

- (a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW 9A.40.020)
- (b) 18 months for Burglary 1 (RCW 9A.52.020)
- (c) 12 months for Assault 2 (RCW 9A.36.020), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), or any drug offense

[1986 c 257 § 22; 1984 c 209 § 16; 1983 c 115 § 2.]

Severability—1986 c 257: See note following RCW 9A.56.010.

Effective date—1986 c 257 §§ 17–35: See note following RCW 9.94A.030.

Effective dates—1984 c 209: See note following RCW 9.92.150.

9.94A.320 Table 2—Crimes included within each seriousness level.

TABLE 2  
CRIMES INCLUDED WITHIN EACH  
SERIOUSNESS LEVEL

<p>XIV Aggravated Murder 1 (RCW 10.95.020)</p> <p>XIII Murder 1 (RCW 9A.32.030)</p> <p>XII Murder 2 (RCW 9A.32.050)</p> <p>XI Assault 1 (*RCW 9A.36.010)</p> <p>X Kidnapping 1 (RCW 9A.40.020) Rape 1 (RCW 9A.44.040) Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1)) Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406) Leading Organized Crime (RCW 9A.82.060(1)(a))</p> <p>IX Robbery 1 (RCW 9A.56.200) Manslaughter 1 (RCW 9A.32.060) Statutory Rape 1 (RCW 9A.44.070) Explosive devices prohibited (RCW 70.74.180) Endangering life and property by explosives with threat to human being (RCW 70.74.270) Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from</p>	<p>VIII</p> <p>VII</p> <p>VI</p>	<p>Schedule I–V to someone under 18 and 3 years junior (RCW 69.50.406)</p> <p>Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))</p> <p>Inciting Criminal Profiteering (RCW 9A.82.061(1)(b))</p> <p>Arson 1 (RCW 9A.48.020) Rape 2 (RCW 9A.44.050) Promoting Prostitution 1 (RCW 9A.88.070) Selling heroin for profit (RCW 69.50.410)</p> <p>Burglary 1 (RCW 9A.52.020) Vehicular Homicide (RCW 46.61.520) Introducing Contraband 1 (RCW 9A.76.140) Statutory Rape 2 (RCW 9A.44.080) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b)) Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050) Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)</p> <p>Bribery (RCW 9A.68.010) Manslaughter 2 (RCW 9A.32.070) Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130) Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))</p>
--	----------------------------------	--

- Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
- Indecent Liberties (without forcible compulsion) (\*\*RCW 9A.44.100(1) (b) and (c))
- Incest 1 (RCW 9A.64.020(1))
- Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
- Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i))
- Intimidating a Judge (RCW 9A.72.160)
- V Rape 3 (RCW 9A.44.060)
- Kidnapping 2 (RCW 9A.40.030)
- Extortion 1 (RCW 9A.56.120)
- Incest 2 (RCW 9A.64.020(2))
- Perjury 1 (RCW 9A.72.020)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV Robbery 2 (RCW 9A.56.210)
- Assault 2 (\*RCW 9A.36.020)
- Escape 1 (RCW 9A.76.110)
- Arson 2 (RCW 9A.48.030)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Malicious Harassment (RCW 9A.36.080)
- Wilful Failure to Return from Furlough (RCW 72.66.060)
- Hit and Run — Injury Accident (RCW 46.52.020(4))
- Vehicular Assault (RCW 46.61.522)
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(ii) through (iv))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Statutory Rape 3 (RCW 9A.44.090)
- Extortion 2 (RCW 9A.56.130)
- Unlawful Imprisonment (RCW 9A.40.040)
- Assault 3 (\*RCW 9A.36.030)
- Unlawful possession of firearm or pistol by felon (RCW 9A.41.040)
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Wilful Failure to Return from Work Release (RCW 72.65.070)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 1 (RCW 9A.56.080)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Livestock 2 (RCW 9A.56.080)
- Burglary 2 (RCW 9A.52.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))

[1986 c 257 § 23; 1984 c 209 § 17; 1983 c 115 § 3.]

Reviser's note: \*(1) RCW 9A.36.010, 9A.36.020, and 9A.36.030 were repealed by 1986 c 257 § 9, effective July 1, 1987. Later enactment, see RCW 9A.36.011, 9A.36.021, and 9A.36.031, respectively.

\*\*\*(2) RCW 9A.44.100 was amended by 1986 c 131; cf. subsection (1)(d) of that section.

Severability—1986 c 257: See note following RCW 9A.56.010.

Effective date—1986 c 257 §§ 17-35: See note following RCW 9.94A.030.

Effective dates—1984 c 209: See note following RCW 9.92.150.

9.94A.330 Table 3—Offender score matrix.

TABLE 3

OFFENDER SCORE MATRIX

Prior Adult Convictions

(Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)

Current Offenses	Serious Violent	Burglary 1	Other Violent	Vehicular Assault/Homicide	Escape
Serious Violent	3	2	2	2	1
Burglary 1	2	2	2	2	1
Other Violent	2	2	2	2	1
Felony Traffic	1	1	1	2	1
Escape	0	0	0	0	1
Burglary 2	1	2	1	1	1
Other Non-Violent	1	1	1	1	1
Drug	1	1	1	1	1

Current Offenses	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Serious Violent	1	1	0	1	1
Burglary 1	2	1	0	1	1
Other Violent	1	1	0	1	1
Felony Traffic	1	1	1	1	1
Escape	0	0	0	0	0
Burglary 2	2	1	0	1	1
Other Non-Violent	1	1	0	1	1
Drug	1	1	0	1	2

Prior Juvenile Convictions

(Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)

Current Offenses	Serious Violent	Burglary 1	Other Violent	Vehicular Assault/Homicide	Escape
Serious Violent	3	2	2	2	1/2
Burglary 1	2	2	2	2	1/2
Other Violent	2	2	2	2	1/2
Felony Traffic	1/2	1/2	1/2	2	1/2
Escape	0	0	0	0	1/2
Burglary 2	1/2	2	1/2	1/2	1/2

Current Offenses	Serious Violent	Burglary 1	Other Violent	Vehicular Assault/Homicide	Escape
Other Non-Violent	1/2	1/2	1/2	1/2	1/2
Drug	1/2	1/2	1/2	1/2	1/2

Current Offenses	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Serious Violent	1/2	1/2	0	1/2	1/2
Burglary 1	1	1/2	0	1/2	1/2
Other Violent	1/2	1/2	0	1/2	1/2
Felony Traffic	1/2	1/2	1/2	1/2	1/2
Escape	0	0	0	0	0
Burglary 2	1	1/2	0	1/2	1/2
Other Non-Violent	1/2	1/2	0	1/2	1/2
Drug	1/2	1/2	0	1/2	1

[1986 c 257 § 24; 1984 c 209 § 18; 1983 c 115 § 4.]

Severability—1986 c 257: See note following RCW 9A.56.010.

Effective date—1986 c 257 §§ 17-35: See note following RCW 9.94A.030.

Effective dates—1984 c 209: See note following RCW 9.92.150.

**9.94A.360 Offender score.** The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules, partially summarized in Table 3, RCW 9.94A.330, are as follows:

The offender score is the sum of points accrued under subsections (1) through (14) of this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Except as provided in subsections (3) and (13) of this section, class A prior felony convictions shall always be included in the offender score. Class B prior felony convictions shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any

serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions. Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(3) Include class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for

each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide; count one point for each adult, and 1/2 point for each juvenile, prior conviction for each other felony offense or serious traffic offense.

(12) If the present conviction is for a drug offense count two points for each adult prior felony drug offense conviction and one point for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for escape (Escape 1, RCW 9A.76.110; Escape 2, RCW 9A.76.120; Willful Failure to Return from Furlough, RCW 72.66.060; and Willful Failure to Return from Work Release, RCW 72.65.070), count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(14) If the present conviction is for Burglary 2, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction. [1986 c 257 § 25; 1984 c 209 § 19; 1983 c 115 § 7.]

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—1986 c 257 §§ 17–35: See note following RCW 9.94A.030.

**Effective dates**—1984 c 209: See note following RCW 9.92.150.

**9.94A.370 Presumptive sentence.** (1) The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The additional time for deadly weapon findings shall be added to the entire presumptive sentence range. The court may impose any sentence within the range that it deems appropriate. All presumptive sentence ranges are expressed in terms of total confinement.

(2) In determining any sentence, the trial court may rely on no more information than is admitted by the plea agreement, or admitted, acknowledged, or proved in a trial or at the time of sentencing. Acknowledgement includes not objecting to information stated in the presentence reports. Where the defendant disputes material facts, the court must either not consider the fact or grant an evidentiary hearing on the point. The facts shall be deemed proved at the hearing by a preponderance of the evidence. Facts that establish the elements of a more serious crime or additional crimes may not be used to go outside the presumptive sentence range except upon



stipulation or when specifically provided for in RCW 9.94A.390(2) (c) and (d). [1986 c 257 § 26; 1984 c 209 § 20; 1983 c 115 § 8.]

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—1986 c 257 §§ 17–35: See note following RCW 9.94A.030.

**Effective dates**—1984 c 209: See note following RCW 9.92.150.

**9.94A.390 Departures from the guidelines.** If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

(iii) The current offense involved the manufacture of controlled substances for use by other parties; or

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional); or

(e) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010. [1986 c 257 § 27; 1984 c 209 § 24; 1983 c 115 § 10.]

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—1986 c 257 §§ 17–35: See note following RCW 9.94A.030.

**Effective dates**—1984 c 209: See note following RCW 9.92.150.

**9.94A.400 Consecutive/concurrent sentences.** (1) (a) Except as provided in (b) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: *Provided*, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(e) or any other provision of RCW 9.94A.390.

(b) Whenever a person is convicted of three or more serious violent offenses, as defined in RCW 9.94A.330, arising from separate and distinct criminal conduct, the

sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's criminal history in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences. [1986 c 257 § 28; 1984 c 209 § 25; 1983 c 115 § 11.]

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—1986 c 257 §§ 17-35: See note following RCW 9.94A.030.

**Effective dates**—1984 c 209: See note following RCW 9.92.150.

**9.94A.410 Anticipatory offenses.** For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the crime, and multiplying the range by 75 percent.

In calculating an offender score, count each prior conviction as if the present conviction were for the completed offense. When these convictions are used as criminal history, score them the same as a completed crime. [1986 c 257 § 29; 1984 c 209 § 26; 1983 c 115 § 12.]

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—1986 c 257 §§ 17-35: See note following RCW 9.94A.030.

**Effective dates**—1984 c 209: See note following RCW 9.92.150.

**9.94A.440 Evidentiary sufficiency.** (1) Decision not to prosecute.

**STANDARD:** A Prosecuting Attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

**GUIDELINE/COMMENTARY:**

**Examples**

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) **Contrary to Legislative Intent** – It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) **Antiquated Statute** – It may be proper to decline to charge where the statute in question is antiquated in that:

(i) It has not been enforced for many years; and

(ii) Most members of society act as if it were no longer in existence; and

(iii) It serves no deterrent or protective purpose in today's society; and

(iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) **De Minimus Violation** – It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) **Confinement on Other Charges** – It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) **Pending Conviction on Another Charge** – It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) **High Disproportionate Cost of Prosecution** – It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant – It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity – It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request – It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder.

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

- Aggravated Murder
- 1st Degree Murder
- 2nd Degree Murder
- 1st Degree Kidnaping
- 1st Degree Assault
- 1st Degree Rape
- 1st Degree Robbery
- 1st Degree Statutory Rape
- 1st Degree Arson
- 2nd Degree Kidnaping
- 2nd Degree Assault

- 2nd Degree Rape
- 2nd Degree Robbery
- 1st Degree Burglary
- 1st Degree Manslaughter
- 2nd Degree Manslaughter
- 1st Degree Extortion
- Indecent Liberties
- 2nd Degree Statutory Rape
- Incest
- Vehicular Homicide
- Vehicular Assault
- 3rd Degree Rape
- 3rd Degree Statutory Rape
- 2nd Degree Extortion
- 1st Degree Promoting Prostitution
- Intimidating a Juror
- Communication with a Minor
- Intimidating a Witness
- Intimidating a Public Servant
- Bomb Threat (if against person)
- 3rd Degree Assault
- Unlawful Imprisonment
- Promoting a Suicide Attempt
- Riot (if against person)

CRIMES AGAINST PROPERTY/OTHER CRIMES

- 2nd Degree Arson
- 1st Degree Escape
- 2nd Degree Burglary
- 1st Degree Theft
- 1st Degree Perjury
- 1st Degree Introducing Contraband
- 1st Degree Possession of Stolen Property
- Bribery
- Bribing a Witness
- Bribe received by a Witness
- Bomb Threat (if against property)
- 1st Degree Malicious Mischief
- 2nd Degree Theft
- 2nd Degree Escape
- 2nd Degree Introducing Contraband
- 2nd Degree Possession of Stolen Property
- 2nd Degree Malicious Mischief
- 1st Degree Reckless Burning
- Taking a Motor Vehicle without Authorization
- Forgery
- 2nd Degree Perjury
- 2nd Degree Promoting Prostitution
- Tampering with a Witness
- Trading in Public Office
- Trading in Special Influence
- Receiving/Granting Unlawful Compensation
- Bigamy
- Eluding a Pursuing Police Vehicle
- Wilful Failure to Return from Furlough
- Riot (if against property)
- Thefts of Livestock

ALL OTHER UNCLASSIFIED FELONIES

- Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

(a) Will significantly enhance the strength of the state's case at trial; or

(b) Will result in restitution to all victims.

(2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

(a) Charging a higher degree;

(b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

#### GUIDELINES/COMMENTARY:

##### Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

(1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

(2) The completion of necessary laboratory tests; and

(3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

##### Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

(1) Probable cause exists to believe the suspect is guilty; and

(2) The suspect presents a danger to the community or is likely to flee if not apprehended; or

(3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

##### Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

(1) Polygraph testing;

(2) Hypnosis;

(3) Electronic surveillance;

(4) Use of informants.

##### Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached. [1986 c 257 § 30; 1983 c 115 § 15.]

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—1986 c 257 §§ 17-35: See note following RCW 9.94A.030.

## Chapter 9.95

### INDETERMINATE SENTENCES

(Formerly: Prison terms, paroles, and probation)

#### Sections

9.95.001	Board of prison terms and paroles redesignated as indeterminate sentence review board. (Effective until June 30, 1992.)
9.95.0011	Indeterminate sentencing review board—Transfer of powers, duties, and functions to superior courts.
9.95.0012	Legislative intent—Reimbursement of costs to counties.
9.95.003	Appointment of board members—Qualifications—Salaries and travel expenses—Employees. (Effective until June 30, 1992.)
9.95.005	Board meetings—Quarters at institutions. (Effective until June 30, 1992.)
9.95.007	Transaction of board's business in panels—Action by full board. (Effective until June 30, 1992.)
9.95.009	Board of prison terms and paroles—Existence ceases July 1, 1986—Reductions in membership—Continuation of functions. (Effective until June 30, 1992.)
9.95.011	Minimum terms. (Effective until June 30, 1992.)
9.95.015	Finding of fact or special verdict establishing defendant armed with deadly weapon. (Effective until June 30, 1992.)
9.95.017	Criteria for confinement and parole. (Effective until June 30, 1992.)
9.95.040	Board to fix duration of confinement—Minimum terms prescribed for certain cases.
9.95.052	Redetermination and refixing of minimum term of confinement.
9.95.310	Assistance for parolees, work release, and discharged prisoners—Declaration of purpose.
9.95.320	Assistance for parolees, work release, and discharged prisoners—Secretary or designee may provide subsistence—Terms and conditions.
9.95.340	Assistance for parolees, work release, and discharged prisoners—Use of funds belonging to absconders, repayment by benefited prisoner or parolee—Repayment of funds to prisoners and parolees.
9.95.350	Assistance for parolees, work release, and discharged prisoners—Accounting, use, disposition of funds or property which is for prisoner or parolee.
9.95.360	Assistance for parolees, work release, and discharged prisoners—Community services revolving fund—Composition—Disbursements—Deposits—Security by depository.

**9.95.001 Board of prison terms and paroles redesignated as indeterminate sentence review board.** (Effective until June 30, 1992.) On July 1, 1986, the board of prison terms and paroles shall be redesignated the indeterminate sentence review board. The newly designated board shall retain the same membership and staff as the previously designated board of prison terms and paroles. References to "the board" or "board of prison terms and paroles" contained in this chapter, chapters 7.68, 9.95,

9.96, 71.06, and 72.04A RCW, and RCW 9A.44.045 and 72.68.031 are deemed to refer to the indeterminate sentence review board. [1986 c 224 § 2; (i) 1935 c 114 § 1; RRS § 10249-1. (ii) 1947 c 47 § 1; Rem. Supp. 1947 § 10249-1a. Formerly RCW 43.67.010.]

**Reviser's note:** This section was repealed by 1986 c 224 § 14, effective June 30, 1992.

**Legislative finding—1986 c 224 (Effective until June 30, 1992):** "The legislature finds that a process for review of duration of confinement and release decisions for persons convicted of crimes committed before July 1, 1984, must be available after the board of prison terms and paroles ceases to exist. A transitional agency, the indeterminate sentence review board, is created to review such decisions until 1992 when all of the functions, powers, and duties previously performed by the indeterminate sentence review board will be transferred to the superior courts of the state of Washington." [1986 c 224 § 1.]

**Effective date—1986 c 224:** "Sections 1 through 13 of this act shall take effect July 1, 1986." [1986 c 224 § 16.]

**Severability—1986 c 224:** "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." [1986 c 224 § 17.]

**Sections repealed June 30, 1992:** "The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1992:

- (1) Section 1 of this 1986 act (uncodified);
- (2) Section 1, chapter 114, Laws of 1935, section 1, chapter 47, Laws of 1947, section 2 of this 1986 act and RCW 9.95.001;
- (3) Section 9, chapter 340, Laws of 1955, section 1, chapter 32, Laws of 1959, section 9, chapter 98, Laws of 1969, section 8, chapter 34, Laws of 1975-'76 2nd ex. sess., section 3 of this 1986 act and RCW 9.95.003;
- (4) Section 10, chapter 340, Laws of 1955, section 2, chapter 32, Laws of 1959, section 4 of this 1986 act and RCW 9.95.005;
- (5) Section 3, chapter 32, Laws of 1959, section 1, chapter 63, Laws of 1975-'76 2nd ex. sess., section 5 of this 1986 act and RCW 9.95.007;
- (6) Section 24, chapter 137, Laws of 1981, section 8, chapter 192, Laws of 1982, section 1, chapter 279, Laws of 1985, section 6 of this 1986 act and RCW 9.95.009;
- (7) Section 7 of this 1986 act and RCW 9.95.[011];
- (8) Section 1, chapter 138, Laws of 1961, section 8 of this 1986 act and RCW 9.95.015; and
- (9) Section 11 of this 1986 act and RCW 9.95.[017]. [1986 c 224 § 14.]

**9.95.0011 Indeterminate sentencing review board—Transfer of powers, duties, and functions to superior courts.** (1) The indeterminate sentencing review board shall cease to exist on June 30, 1992, and all of its powers, duties, and functions with respect to persons convicted of crimes committed before July 1, 1984, shall be transferred to the superior courts of the state of Washington. Prior to June 30, 1992, the board shall review each inmate and prepare a report for the superior courts. This report shall include a recommendation regarding the offender's suitability for parole and appropriate parole conditions. The sentencing judge or his or her successor in the county of conviction shall thereafter have full jurisdiction and authority over such offenders. These duties may be delegated to commissioners. Actions taken by commissioners shall be in the form of a report and recommendation to the sentencing judge or his or her successors who have sole authority to determine duration of confinement or parole release.

(2) The indeterminate sentence review board, Washington association of prosecuting attorneys,

Washington defender association, department of corrections, administrator for the courts, and office of financial management shall prepare an implementation plan to accomplish transfer of the board's powers, duties, and functions to the superior courts of the state of Washington. The plan shall include a detailed fiscal analysis and recommended formulas and procedures for the reimbursement of costs to local governments. This plan shall be presented to the 1990 legislature.

(3) On July 1, 1992, all documents, records, files, equipment, and other tangible property of the indeterminate sentencing review board shall be transferred to the department of corrections. The department of corrections shall assist the judiciary in fulfilling its responsibilities under this chapter, including the preparation of written recommendations.

(4) On July 1, 1992, references to the "board" or "the indeterminate sentence review board" contained in this chapter, chapters 7.68, 9.95, 9.96, 71.06, and 72.04A RCW, and RCW 9A.44.045 and 72.68.031 are deemed to refer to the superior court of the state of Washington that originally sentenced the offender to prison. [1986 c 224 § 12.]

**Legislative finding—Effective date—Severability—1986 c 224:** See notes following RCW 9.95.001.

**9.95.0012 Legislative intent—Reimbursement of costs to counties.** It is the intent of the legislature that costs incurred by the counties of the state of Washington as a result of the transfer of the functions, duties, and powers of the indeterminate sentencing review board on July 1, 1992, to the superior courts of the state of Washington shall be reimbursed to the counties by the state of Washington. The 1990 legislature shall consider the recommended formulas and procedures for reimbursement presented in the implementation plan prepared by the indeterminate sentencing review board, administrator for the courts, Washington association of prosecuting attorneys, Washington defender association, department of corrections, and office of financial management. [1986 c 224 § 13.]

**Legislative finding—Effective date—Severability—1986 c 224:** See notes following RCW 9.95.001.

**9.95.003 Appointment of board members—Qualifications—Salaries and travel expenses—Employees.** (Effective until June 30, 1992.) The board shall consist of a chairman and six other members, each of whom shall be appointed by the governor with the consent of the senate. Each member shall hold office for a term of five years, and until his or her successor is appointed and qualified. The terms shall expire on April 15th of the expiration year. Vacancies in the membership of the board shall be filled by appointment by the governor with the consent of the senate. In the event of the inability of any member to act, the governor shall appoint some competent person to act in his stead during the continuance of such inability. The members shall not be removable during their respective terms except for cause determined by the superior court of Thurston county. The governor in appointing the members shall designate

one of them to serve as chairman at the governor's pleasure.

The members of the board and its officers and employees shall not engage in any other business or profession or hold any other public office; nor shall they, at the time of appointment or employment or during their incumbency, serve as the representative of any political party on an executive committee or other governing body thereof, or as an executive officer or employee of any political committee or association. The members of the board shall each severally receive salaries fixed by the governor in accordance with the provisions of RCW 43.03.040, and in addition shall receive travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

The board may employ, and fix, with the approval of the governor, the compensation of and prescribe the duties of a secretary and such officers, employees, and assistants as may be necessary, and provide necessary quarters, supplies, and equipment. [1986 c 224 § 3; 1975-'76 2nd ex.s. c 34 § 8; 1969 c 98 § 9; 1959 c 32 § 1; 1955 c 340 § 9. Prior: 1945 c 155 § 1, part; 1935 c 114 § 8, part; Rem. Supp. 1945 § 10249-8, part. Formerly RCW 43.67.020.]

**Reviser's note:** This section was repealed by 1986 c 224 § 14, effective June 30, 1992.

**Legislative finding—Effective date—Severability—Sections repealed—1986 c 224:** See notes following RCW 9.95.001.

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

**Severability—Effective date—1969 c 98:** See notes following RCW 9.95.120.

**9.95.005 Board meetings—Quarters at institutions.** (Effective until June 30, 1992.) The board shall meet at the penitentiary and the reformatory at such times as may be necessary for a full and complete study of the cases of all convicted persons whose durations of confinement are to be determined by it or whose applications for parole come before it. Other times and places of meetings may also be fixed by the board.

The superintendents of the different institutions shall provide suitable quarters for the board and assistants while in the discharge of their duties. [1986 c 224 § 4; 1959 c 32 § 2; 1955 c 340 § 10. Prior: 1945 c 155 § 1, part; 1935 c 114 § 8, part; Rem. Supp. 1945 § 10249-8, part. Formerly RCW 43.67.030.]

**Reviser's note:** This section was repealed by 1986 c 224 § 14, effective June 30, 1992.

**Legislative finding—Effective date—Severability—Sections repealed—1986 c 224:** See notes following RCW 9.95.001.

**9.95.007 Transaction of board's business in panels—Action by full board.** (Effective until June 30, 1992.) The board may meet and transact business in panels. Each board panel shall consist of at least two members of the board. In all matters concerning the internal affairs of the board and policy-making decisions, a majority of the full board must concur in such matters. The chairman of the board with the consent of a majority of the board may designate any two members to exercise all the powers and duties of the board in

connection with any hearing before the board. If the two members so designated cannot unanimously agree as to the disposition of the hearing assigned to them, such hearing shall be reheard by the full board. All actions of the full board shall be by concurrence of a majority of the board members. [1986 c 224 § 5; 1975-'76 2nd ex.s. c 63 § 1; 1959 c 32 § 3. Formerly RCW 43.67.035.]

**Reviser's note:** This section was repealed by 1986 c 224 § 14, effective June 30, 1992.

**Legislative finding—Effective date—Severability—Sections repealed—1986 c 224:** See notes following 9.95.001.

**9.95.009 Board of prison terms and paroles—Existence ceases July 1, 1986—Reductions in membership—Continuation of functions.** (Effective until June 30, 1992.) (1) On July 1, 1986, the board of prison terms and paroles shall be redesignated as the indeterminate sentencing review board. The board's membership shall be reduced as follows: On July 1, 1986, and on July 1st of each year until 1992, the number of board members shall be reduced in a manner commensurate with the board's remaining workload as determined by the office of financial management based upon its population forecast for the indeterminate sentencing system and in conjunction with the budget process. To meet the statutory obligations of the indeterminate sentence review board, the number of board members shall not be reduced to fewer than three members, although the office of financial management may designate some or all members as part-time members and specify the extent to which they shall be less than full-time members. Any reduction shall take place by the expiration, on that date, of the term or terms having the least time left to serve.

(2) After July 1, 1984, the board shall continue its functions with respect to persons convicted of crimes committed prior to July 1, 1984, and committed to the department of corrections. When making decisions on duration of confinement, and parole release under RCW 9.95.100 and 9.95.110, the board shall consider the purposes, standards, and sentencing ranges adopted pursuant to RCW 9.94A.040 and the minimum term recommendations of the sentencing judge and prosecuting attorney, and shall attempt to make decisions reasonably consistent with those ranges, standards, purposes, and recommendations: *Provided*, That the board and its successors shall give adequate written reasons whenever a minimum term or parole release decisions [decision] is made which is outside the sentencing ranges adopted pursuant to RCW 9.94A.040. In making such decisions, the board and its successors shall consider the different charging and disposition practices under the indeterminate sentencing system. [1986 c 224 § 6; 1985 c 279 § 1; 1982 c 192 § 8; 1981 c 137 § 24.]

**Legislative finding—Effective date—Severability—Sections repealed—1986 c 224:** See notes following RCW 9.95.001.

**Contingency—1985 c 279:** "If specific funding for the purposes of this act, referencing this act by bill number, is not provided in the omnibus appropriations act enacted before July 1, 1985, this act shall be null and void." [1985 c 279 § 2.]

**Reviser's note:** 1985 ex.s. c 6, the 1985-'87 omnibus appropriations act, provides specific funding for this act. See 1985 ex.s. c 6 § 224.

**Severability—1981 c 137:** See RCW 9.94A.910.

**9.95.011 Minimum terms.** (Effective until June 30, 1992.) When the court commits a convicted person to the department of corrections on or after July 1, 1986, for an offense committed before July 1, 1984, the court shall, at the time of sentencing or revocation of probation, fix the minimum term. The term so fixed shall not exceed the maximum sentence provided by law for the offense of which the person is convicted.

The court shall attempt to set the minimum term reasonably consistent with the purposes, standards, and sentencing ranges adopted under RCW 9.94A.040, but the court is subject to the same limitations as those placed on the board under RCW 9.92.090, 9.95.040 (1) through (4), 9.95.115, 9A.32.040, 9A.44.045, and chapter 69.50 RCW. The court's minimum term decision is subject to review to the same extent as a minimum term decision by the parole board before July 1, 1986.

Thereafter, the expiration of the minimum term set by the court minus any time credits earned under RCW 9.95.070 and 9.95.110 constitutes the parole eligibility review date, at which time the board may consider the convicted person for parole under RCW 9.95.100 and 9.95.110 and chapter 72.04A RCW. Nothing in this section affects the board's authority to reduce or increase the minimum term, once set by the court, under RCW 9.95.040, 9.95.052, 9.95.055, 9.95.070, 9.95.080, 9.95.100, 9.95.115, or 9.95.125. [1986 c 224 § 7.]

**Legislative finding—Effective date—Severability—Sections repealed—1986 c 224:** See notes following RCW 9.95.001.

**9.95.015 Finding of fact or special verdict establishing defendant armed with deadly weapon.** (Effective until June 30, 1992.) In every criminal case wherein conviction would require the board to determine the duration of confinement, or the court to make such determination for persons committed after July 1, 1986, for crimes committed before July 1, 1984, and wherein there has been an allegation and evidence establishing that the accused was armed with a deadly weapon at the time of the commission of the crime, the court shall make a finding of fact of whether or not the accused was armed with a deadly weapon, as defined by RCW 9.95.040, at the time of the commission of the crime, or if a jury trial is had, the jury shall, if it find the defendant guilty, also find a special verdict as to whether or not the defendant was armed with a deadly weapon, as defined in RCW 9.95.040, at the time of the commission of the crime. [1986 c 224 § 8; 1961 c 138 § 1.]

**Legislative finding—Effective date—Severability—Sections repealed—1986 c 224:** See notes following RCW 9.95.001.

**9.95.017 Criteria for confinement and parole.** (Effective until June 30, 1992.) The board shall cause to be prepared criteria for duration of confinement, release on parole, and length of parole for persons committed to prison for crimes committed before July 1, 1984.

The proposed criteria should take into consideration RCW 9.95.009(2). Before submission to the governor, the board shall solicit comments and review on their

proposed criteria for parole release. These proposed criteria shall be submitted for consideration by the 1987 legislature. [1986 c 224 § 11.]

**Legislative finding—Effective date—Severability—Sections repealed—1986 c 224:** See notes following RCW 9.95.001.

**9.95.040 Board to fix duration of confinement—Minimum terms prescribed for certain cases.** The board shall fix the duration of confinement for persons committed by the court before July 1, 1986, for crimes committed before July 1, 1984. Within six months after the admission of the convicted person to the penitentiary, reformatory, or such other state penal institution as may hereafter be established, the board shall fix the duration of his confinement. The term of imprisonment so fixed shall not exceed the maximum provided by law for the offense of which he was convicted or the maximum fixed by the court where the law does not provide for a maximum term.

The following limitations are placed on the board or the court for persons committed to prison on or after July 1, 1986, for crimes committed before July 1, 1984, with regard to fixing the duration of confinement in certain cases, notwithstanding any provisions of law specifying a lesser sentence:

(1) For a person not previously convicted of a felony but armed with a deadly weapon at the time of the commission of his offense, the duration of confinement shall not be fixed at less than five years.

(2) For a person previously convicted of a felony either in this state or elsewhere and who was armed with a deadly weapon at the time of the commission of his offense, the duration of confinement shall not be fixed at less than seven and one-half years.

The words "deadly weapon," as used in this section include, but are not limited to, any instrument known as a blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than three inches, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas.

(3) For a person convicted of being an habitual criminal within the meaning of the statute which provides for mandatory life imprisonment for such habitual criminals, the duration of confinement shall not be fixed at less than fifteen years. The board shall retain jurisdiction over such convicted person throughout his natural life unless the governor by appropriate executive action orders otherwise.

(4) Any person convicted of embezzling funds from any institution of public deposit of which he was an officer or stockholder, the duration of confinement shall be fixed at not less than five years.

Except when an inmate of the reformatory, penitentiary, or such other penal institution as may hereafter be established has been convicted of murder in the first or second degree, the board may parole an inmate prior to the expiration of a mandatory minimum term, provided such inmate has demonstrated a meritorious effort in

rehabilitation and at least two-thirds of the board members concur in such action: *Provided*, That any inmate who has a mandatory minimum term and is paroled prior to the expiration of such term according to the provisions of this chapter shall not receive a conditional release from supervision while on parole until after the mandatory minimum term has expired. [1986 c 224 § 9; 1975-'76 2nd ex.s. c 63 § 2; 1961 c 138 § 2; 1955 c 133 § 5. Prior: 1947 c 92 § 1, part; 1935 c 114 § 2, part; Rem. Supp. 1947 § 10249-2, part.]

**Legislative finding—Effective date—Severability—1986 c 224:** See notes following RCW 9.95.001.

**9.95.052 Redetermination and refixing of minimum term of confinement.** At any time after the board (or the court after July 1, 1986) has determined the minimum term of confinement of any person subject to confinement in a state correctional institution, the board may request the superintendent of such correctional institution to conduct a full review of such person's prospects for rehabilitation and report to the board the facts of such review and the resulting findings. Upon the basis of such report and such other information and investigation that the board deems appropriate, the board may redetermine and refix such convicted person's minimum term of confinement whether the term was set by the board or the court.

The board shall not reduce a person's minimum term of confinement unless the board has received from the department of corrections all institutional conduct reports relating to the person. [1986 c 224 § 10; 1983 c 196 § 1; 1972 ex.s. c 67 § 1.]

**Legislative finding—Effective date—Severability—1986 c 224:** See notes following RCW 9.95.001.

**9.95.310 Assistance for parolees, work release, and discharged prisoners—Declaration of purpose.** The purpose of RCW 9.95.310 through 9.95.370 is to provide necessary assistance, other than assistance which is authorized to be provided under the vocational rehabilitation laws, Title 28A RCW, under the public assistance laws, Title 74 RCW or the department of employment security or other state agency, for parolees, inmates assigned to work/training release facilities, discharged prisoners and persons convicted of a felony and granted probation in need and whose capacity to earn a living under these circumstances is impaired; and to help such persons attain self-care and/or self-support for rehabilitation and restoration to independence as useful citizens as rapidly as possible thereby reducing the number of returnees to the institutions of this state to the benefit of such person and society as a whole. [1986 c 125 § 1; 1971 ex.s. c 31 § 1; 1961 c 217 § 2.]

**9.95.320 Assistance for parolees, work release, and discharged prisoners—Secretary or designee may provide subsistence—Terms and conditions.** The secretary of corrections or his or her designee may provide to any parolee, inmate assigned to a work/training release facility, discharged prisoner and persons convicted of a

felony and granted probation in need and without necessary means, from any funds legally available therefor, such reasonable sums as he deems necessary for the subsistence of such person and his family until such person has become gainfully employed. Such aid may be made under such terms and conditions, and through local parole or probation officers if necessary, as the secretary of corrections or his designee may require and shall be supplementary to any moneys which may be provided under public assistance or from any other source. [1986 c 125 § 2; 1981 c 136 § 45; 1971 ex.s. c 31 § 2; 1961 c 217 § 3.]

**Effective date—1981 c 136:** See RCW 72.09.900.

**9.95.340 Assistance for parolees, work release, and discharged prisoners—Use of funds belonging to absconders, repayment by benefited prisoner or parolee—Repayment of funds to prisoners and parolees.** Any funds in the hands of the department of corrections, or which may come into its hands, which belong to discharged prisoners, inmates assigned to work/training release facilities, parolees or persons convicted of a felony and granted probation who absconded, or whose whereabouts are unknown, shall be deposited in the community services revolving fund. Said funds shall be used to defray the expenses of clothing and other necessities and for transporting discharged prisoners, inmates assigned to work/training release facilities, parolees and persons convicted of a felony and granted probation who are without means to secure the same. All payments disbursed from these funds shall be repaid, whenever possible, by discharged prisoners, inmates assigned to work/training release facilities, parolees and persons convicted of a felony and granted probation for whose benefit they are made. Whenever any money belonging to such persons is so paid into the revolving fund, it shall be repaid to them in accordance with law if a claim therefor is filed with the department of corrections within five years of deposit into said fund and upon a clear showing of a legal right of such claimant to such money. [1986 c 125 § 3; 1981 c 136 § 47; 1971 ex.s. c 31 § 4; 1961 c 217 § 5.]

**Effective date—1981 c 136:** See RCW 72.09.900.

**9.95.350 Assistance for parolees, work release, and discharged prisoners—Accounting, use, disposition of funds or property which is for prisoner or parolee.** All money or other property paid or delivered to a probation or parole officer or employee of the department of corrections by or for the benefit of any discharged prisoner, inmate assigned to a work/training release facility, parolee or persons convicted of a felony and granted probation shall be immediately transmitted to the department of corrections and it shall enter the same upon its books to his credit. Such money or other property shall be used only under the direction of the department of corrections.

If such person absconds, the money shall be deposited in the revolving fund created by RCW 9.95.360, and any other property, if not called for within one year, shall be



sold by the department of corrections and the proceeds credited to the revolving fund.

If any person, files a claim within five years after the deposit or crediting of such funds, and satisfies the department of corrections that he is entitled thereto, the department may make a finding to that effect and may make payment to the claimant in the amount to which he is entitled. [1986 c 125 § 4; 1981 c 136 § 48; 1971 ex.s. c 31 § 5; 1961 c 217 § 6.]

**Effective date**—1981 c 136: See RCW 72.09.900.

**9.95.360 Assistance for parolees, work release, and discharged prisoners—Community services revolving fund—Composition—Disbursements—Deposits—Security by depository.** The department of corrections shall create, maintain, and administer outside the state treasury a permanent revolving fund to be known as the "community services revolving fund" into which shall be deposited all moneys received by it under RCW 9.95.310 through 9.95.370 and any appropriation made for the purposes of RCW 9.95.310 through 9.95.370. All expenditures from this revolving fund shall be made by check or voucher signed by the secretary of corrections or his designee. The community services revolving fund shall be deposited by the department of corrections in such banks or financial institutions as it may select which shall give to the department a surety bond executed by a surety company authorized to do business in this state, or collateral eligible as security for deposit of state funds in at least the full amount of deposit. [1986 c 125 § 5; 1981 c 136 § 49; 1971 ex.s. c 31 § 6; 1961 c 217 § 7.]

**Effective date**—1981 c 136: See RCW 72.09.900.

## Title 9A

### WASHINGTON CRIMINAL CODE

(See also Crimes and Punishments, Title 9 RCW)

#### Chapters

- 9A.04 Preliminary article.
- 9A.16 Defenses.
- 9A.36 Assault and other crimes involving physical harm.
- 9A.42 Criminal mistreatment.
- 9A.44 Sexual offenses.
- 9A.52 Burglary and trespass.
- 9A.56 Theft and robbery.
- 9A.64 Family offenses.
- 9A.82 Criminal profiteering act.

#### Chapter 9A.04

#### PRELIMINARY ARTICLE

##### Sections

- 9A.04.080 Limitation of actions.
- 9A.04.110 Definitions. (Effective July 1, 1987.)

#### ERRATUM – Office of Code Reviser

**9A.04.080 Limitation of actions.** Prosecutions for the offenses of murder, and arson where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in a state correctional institution, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation of his oath of office, and arson where death does not ensue, within ten years after their commission; for violations of RCW 9A.44.070, 9A.44.080, and 9A.44.100(1)(b), within seven years after their commission; for violations of RCW 9A.82.060 or 9A.82.080, within six years after their commission; for violations of class C felonies under chapter 74.09 RCW, within five years after their commission; for bigamy, within three years of the time specified in RCW 9A.64.010; for all other offenses the punishment of which may be imprisonment in a state correctional institution, within three years after their commission; two years for gross misdemeanors; and for all other offenses, within one year after their commission: *Provided*, That any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one, two, three, five, six, seven, and ten years respectively: *And further provided*, That where an indictment has been found, or complaint or an information filed, within the time limited for the commencement of a criminal action, if the indictment, complaint or information be set aside, the time of limitation shall be extended by the length of time from the time of filing of such indictment, complaint, or information, to the time such indictment, complaint, or information was set aside. [1986 c 257 § 13; 1986 c 85 § 1. Prior: 1985 c 455 § 19; 1985 c 186 § 1; 1984 c 270 § 18; 1982 c 129 § 1; 1981 c 203 § 1; 1975 1st ex.s. c 260 § 9A.04.080.]

**Reviser's note:** This section was amended by 1986 c 85 § 1 and by 1986 c 257 § 13, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—**Severability**—1985 c 455: See RCW 9A.82.902 and 9A.82.904.

**Severability**—**Effective date**—1984 c 270: See RCW 9A.82.900 and 9A.82.901.

**Severability**—1982 c 129: "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." [1982 c 129 § 11.]

**9A.04.110 Definitions.** (Effective July 1, 1987.) In this title unless a different meaning plainly is required:

- (1) "Acted" includes, where relevant, omitted to act;
- (2) "Actor" includes, where relevant, a person failing to act;
- (3) "Benefit" is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary;
- (4) (a) "Bodily injury," "physical injury," or "bodily harm" means physical pain or injury, illness, or an impairment of physical condition;
- (b) "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part;

(c) "Great bodily harm" means bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ;

(5) "Building", in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two or more units separately secured or occupied is a separate building;

(6) "Deadly weapon" means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a "vehicle" as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or substantial bodily harm;

(7) "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging;

(8) "Government" includes any branch, subdivision, or agency of the government of this state and any county, city, district, or other local governmental unit;

(9) "Governmental function" includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government;

(10) "Indicted" and "indictment" include "informed against" and "information", and "informed against" and "information" include "indicted" and "indictment";

(11) "Judge" includes every judicial officer authorized alone or with others, to hold or preside over a court;

(12) "Malice" and "maliciously" shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty;

(13) "Officer" and "public officer" means a person holding office under a city, county, or state government, or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks, and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer;

(14) "Omission" means a failure to act;

(15) "Peace officer" means a duly appointed city, county, or state law enforcement officer;

(16) "Pecuniary benefit" means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain;

(17) "Person", "he", and "actor" include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association;

(18) "Place of work" includes but is not limited to all the lands and other real property of a farm or ranch in

the case of an actor who owns, operates, or is employed to work on such a farm or ranch;

(19) "Prison" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including but not limited to any state correctional institution or any county or city jail;

(20) "Prisoner" includes any person held in custody under process of law, or under lawful arrest;

(21) "Property" means anything of value, whether tangible or intangible, real or personal;

(22) "Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function;

(23) "Signature" includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto;

(24) "Statute" means the Constitution or an act of the legislature or initiative or referendum of this state;

(25) "Threat" means to communicate, directly or indirectly the intent:

(a) To cause bodily injury in the future to the person threatened or to any other person; or

(b) To cause physical damage to the property of a person other than the actor; or

(c) To subject the person threatened or any other person to physical confinement or restraint; or

(d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or

(e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or

(f) To reveal any information sought to be concealed by the person threatened; or

(g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or

(i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

(j) To do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships;

(26) "Vehicle" means a "motor vehicle" as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail;

(27) Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular. [1986 c 257 § 3; 1975 1st ex.s. c 260 § 9A.04.110.]

**Effective date**—1986 c 257 §§ 3–10: "Sections 3 through 10 of this act shall take effect on July 1, 1987." [1986 c 257 § 12.]  
**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Chapter 9A.16  
 DEFENSES**

Sections

- 9A.16.010 Definitions.
- 9A.16.020 Use of force—When lawful.
- 9A.16.040 Justifiable homicide or use of deadly force by public officer, peace officer, person aiding.
- 9A.16.100 Use of force on children—Policy—Actions presumed unreasonable.

**9A.16.010 Definitions.** In this chapter, unless a different meaning is plainly required:

- (1) "Necessary" means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.
- (2) "Deadly force" means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury. [1986 c 209 § 1; 1975 1st ex.s. c 260 § 9A.16.010.]

**9A.16.020 Use of force—When lawful.** The use, attempt, or offer to use force upon or toward the person of another is not unlawful in the following cases:

- (1) Whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting the officer and acting under the officer's direction;
- (2) Whenever necessarily used by a person arresting one who has committed a felony and delivering him or her to a public officer competent to receive him or her into custody;
- (3) Whenever used by a party about to be injured, or by another lawfully aiding him or her, in preventing or attempting to prevent an offense against his or her person, or a malicious trespass, or other malicious interference with real or personal property lawfully in his or her possession, in case the force is not more than is necessary;
- (4) Whenever reasonably used by a person to detain someone who enters or remains unlawfully in a building or on real property lawfully in the possession of such person, so long as such detention is reasonable in duration and manner to investigate the reason for the detained person's presence on the premises, and so long as the premises in question did not reasonably appear to be intended to be open to members of the public;
- (5) Whenever used by a carrier of passengers or the carrier's authorized agent or servant, or other person assisting them at their request in expelling from a carriage, railway car, vessel, or other vehicle, a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than is necessary to expel the offender with reasonable regard to the offender's personal safety;

(6) Whenever used by any person to prevent a mentally ill, mentally incompetent, or mentally disabled person from committing an act dangerous to any person, or in enforcing necessary restraint for the protection or restoration to health of the person, during such period only as is necessary to obtain legal authority for the restraint or custody of the person. [1986 c 149 § 2; 1979 ex.s. c 244 § 7; 1977 ex.s. c 80 § 13; 1975 1st ex.s. c 260 § 9A.16.020.]

**Effective date**—1979 ex.s. c 244: See RCW 9A.44.902.

**Purpose—Intent—Severability**—1977 ex.s. c 80: See notes following RCW 4.16.190.

**9A.16.040 Justifiable homicide or use of deadly force by public officer, peace officer, person aiding.** (1) Homicide or the use of deadly force is justifiable in the following cases:

- (a) When a public officer is acting in obedience to the judgment of a competent court; or
- (b) When necessarily used by a peace officer to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty.
- (c) When necessarily used by a peace officer or person acting under the officer's command and in the officer's aid:
  - (i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;
  - (ii) To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility; or
  - (iii) To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony; or
  - (iv) To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.

(2) In considering whether to use deadly force under subsection (1)(c) of this section, to arrest or apprehend any person for the commission of any crime, the peace officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances which may be considered by peace officers as a "threat of serious physical harm" are the following:

- (a) The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or
- (b) There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Under these circumstances deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given.

(3) A public officer or peace officer shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.

(4) This section shall not be construed as:

(a) Affecting the permissible use of force by a person acting under the authority of RCW 9A.16.020 or 9A.16.050; or

(b) Preventing a law enforcement agency from adopting standards pertaining to its use of deadly force that are more restrictive than this section. [1986 c 209 § 2; 1975 1st ex.s. c 260 § 9A.16.040.]

**Legislative recognition:** "The legislature recognizes that RCW 9A.16.040 establishes a dual standard with respect to the use of deadly force by peace officers and private citizens, and further recognizes that private citizens' permissible use of deadly force under the authority of RCW 9.01.200, 9A.16.020, or 9A.16.050 is not restricted and remains broader than the limitations imposed on peace officers." [1986 c 209 § 3.]

**9A.16.100 Use of force on children—Policy—Actions presumed unreasonable.** It is the policy of this state to protect children from assault and abuse and to encourage parents, teachers, and their authorized agents to use methods of correction and restraint of children that are not dangerous to the children. However, the physical discipline of a child is not unlawful when it is reasonable and moderate and is inflicted by a parent, teacher, or guardian for purposes of restraining or correcting the child. Any use of force on a child by any other person is unlawful unless it is reasonable and moderate and is authorized in advance by the child's parent or guardian for purposes of restraining or correcting the child.

The following actions are presumed unreasonable when used to correct or restrain a child: (1) Throwing, kicking, burning, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) interfering with a child's breathing; (5) threatening a child with a deadly weapon; or (6) doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks. The age, size, and condition of the child and the location of the injury shall be considered when determining whether the bodily harm is reasonable or moderate. This list is illustrative of unreasonable actions and is not intended to be exclusive. [1986 c 149 § 1.]

### Chapter 9A.36

#### ASSAULT AND OTHER CRIMES INVOLVING PHYSICAL HARM

##### Sections

9A.36.010	Repealed. (Effective July 1, 1987.)
9A.36.011	Assault in the first degree. (Effective July 1, 1987.)
9A.36.020	Repealed. (Effective July 1, 1987.)
9A.36.021	Assault in the second degree. (Effective July 1, 1987.)
9A.36.030	Assault in the third degree. (Effective until July 1, 1987.)
9A.36.031	Assault in the third degree. (Effective July 1, 1987.)
9A.36.040	Repealed. (Effective July 1, 1987.)
9A.36.041	Assault in the fourth degree. (Effective July 1, 1987.)

**9A.36.010 Repealed. (Effective July 1, 1987.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

[1986 RCW Supp—page 42]

**9A.36.011 Assault in the first degree. (Effective July 1, 1987.)** (1) A person is guilty of assault in the first degree if he or she, with intent to inflict great bodily harm:

(a) Assaults another with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death; or

(b) Administers to or causes to be taken by another, poison or any other destructive or noxious substance; or

(c) Assaults another and inflicts great bodily harm.

(2) Assault in the first degree is a class A felony. [1986 c 257 § 4.]

**Severability—1986 c 257:** See note following RCW 9A.56.010.

**Effective date—1986 c 257 §§ 3–10:** See note following RCW 9A.04.110.

**9A.36.020 Repealed. (Effective July 1, 1987.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**9A.36.021 Assault in the second degree. (Effective July 1, 1987.)** (1) A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:

(a) Intentionally assaults another and thereby inflicts substantial bodily harm; or

(b) Assaults another with a deadly weapon; or

(c) With intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance; or

(d) With intent to commit a felony, assaults another.

(2) Assault in the second degree is a class B felony. [1986 c 257 § 5.]

**Severability—1986 c 257:** See note following RCW 9A.56.010.

**Effective date—1986 c 257 §§ 3–10:** See note following RCW 9A.04.110.

**9A.36.030 Assault in the third degree. (Effective until July 1, 1987.)** (1) Every person who, under circumstances not amounting to assault in either the first or second degree, shall be guilty of assault in the third degree when he:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or another person shall assault another; or

(b) With criminal negligence, shall cause physical injury to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

(c) Assaults a person employed as a transit operator or driver by a public or private transit company while that person is operating or is in control of a vehicle owned or operated by the transit company; or

(d) Assaults a fire fighter or other employee of a fire department or fire protection district who was performing his or her official duties at the time of the assault.

(2) Assault in the third degree is a class C felony. [1986 c 188 § 1; 1982 c 140 § 1; 1979 ex.s. c 244 § 10; 1975 1st ex.s. c 260 § 9A.36.030.]

**Reviser's note:** This section was also repealed by 1986 c 257 § 9, effective July 1, 1987, without cognizance of its amendment by 1986 c 188 § 1. Later enactment, see RCW 9A.36.031.

**Effective date—1979 ex.s. c 244:** See RCW 9A.44.902.

**9A.36.030 Assault in the third degree.** [1982 c 140 § 1; 1979 ex.s. c 244 § 10; 1975 1st ex.s. c 260 § 9A.36.030.] Repealed by 1986 c 257 § 9, effective July 1, 1987.

**Reviser's note:** RCW 9A.36.030 was both amended and repealed during the 1986 legislative session, each without reference to the other.

It will be decodified July 1, 1987, pursuant to RCW 1.12.025. See Table of Disposition of Former RCW Sections. Later enactment, see RCW 9A.36.031.

**9A.36.031 Assault in the third degree. (Effective July 1, 1987.)** (1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver by a public or private transit company while that person is operating or is in control of a vehicle owned or operated by the transit company; or

(c) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

(d) Assaults a fire fighter or other employee of a fire department or fire protection district who was performing his or her official duties at the time of the assault.

(2) Assault in the third degree is a class C felony. [1986 c 257 § 6.]

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—1986 c 257 §§ 3-10: See note following RCW 9A.04.110.

**9A.36.040 Repealed. (Effective July 1, 1987.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**9A.36.041 Assault in the fourth degree. (Effective July 1, 1987.)** (1) A person is guilty of assault in the fourth degree if, under circumstances not amounting to assault in the first, second, or third degree, he or she assaults another.

(2) Assault in the fourth degree is a gross misdemeanor. [1986 c 257 § 7.]

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—1986 c 257 §§ 3-10: See note following RCW 9A.04.110.

## Chapter 9A.42

### CRIMINAL MISTREATMENT

#### Sections

9A.42.010	Definitions.
9A.42.020	Criminal mistreatment in the first degree.
9A.42.030	Criminal mistreatment in the second degree.
9A.42.040	Withdrawal of life support systems.
9A.42.050	Defense of financial inability.

**9A.42.010 Definitions.** As used in this chapter:

(1) "Basic necessities of life" means food, shelter, clothing, and health care.

(2)(a) "Bodily injury" means physical pain or injury, illness, or an impairment of physical condition;

(b) "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss

or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part;

(c) "Great bodily harm" means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily part or organ.

(3) "Child" means a person under eighteen years of age.

(4) "Dependent person" means a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life.

(5) "Parent" has its ordinary meaning and also includes a guardian and the authorized agent of a parent or guardian. [1986 c 250 § 1.]

**9A.42.020 Criminal mistreatment in the first degree.**

(1) A parent of a child or the person entrusted with the physical custody of a child or dependent person is guilty of criminal mistreatment in the first degree if he or she recklessly causes great bodily harm to a child or dependent person by withholding any of the basic necessities of life.

(2) Criminal mistreatment in the first degree is a class B felony. [1986 c 250 § 2.]

**9A.42.030 Criminal mistreatment in the second degree.**

(1) A parent of a child or the person entrusted with the physical custody of a child or dependent person is guilty of criminal mistreatment in the second degree if he or she recklessly either (a) creates an imminent and substantial risk of death or great bodily harm, or (b) causes substantial bodily harm by withholding any of the basic necessities of life.

(2) Criminal mistreatment in the second degree is a class C felony. [1986 c 250 § 3.]

**9A.42.040 Withdrawal of life support systems.** RCW 9A.42.020 and 9A.42.030 do not apply to a decision to withdraw life support systems made in accordance with law by a health care professional and family members or others with a legal duty to care for the patient. [1986 c 250 § 4.]

**9A.42.050 Defense of financial inability.** In any prosecution for criminal mistreatment, it shall be a defense that the withholding of the basic necessities of life is due to financial inability only if the person charged has made a reasonable effort to obtain adequate assistance. [1986 c 250 § 5.]

## Chapter 9A.44

### SEXUAL OFFENSES

#### Sections

9A.44.070	Statutory rape in the first degree.
9A.44.100	Indecent liberties.

**9A.44.070 Statutory rape in the first degree.** (1) A person over thirteen years of age is guilty of statutory

rape in the first degree when the person engages in sexual intercourse with another person who is less than eleven years old.

(2) Statutory rape in the first degree is a class A felony. No person convicted of statutory rape in the first degree shall be granted a deferred or suspended sentence except under RCW 9.94A.120(7). [1986 c 257 § 31; 1979 ex.s. c 244 § 4; 1975 1st ex.s. c 14 § 7. Formerly RCW 9.79.200.]

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—1986 c 257 §§ 17–35: See note following RCW 9.94A.030.

**9A.44.100 Indecent liberties.** (1) A person is guilty of indecent liberties when he knowingly causes another person who is not his spouse to have sexual contact with him or another:

- (a) By forcible compulsion; or
- (b) When the other person is less than fourteen years of age; or
- (c) When the other person is less than sixteen years of age and the perpetrator is more than forty-eight months older than the person and is in a position of authority over the person; or
- (d) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless.

(2) For purposes of this section:

- (a) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party.
- (b) "Person in a position of authority" means any person who is a parent or acting in the place of a parent and is charged with any of a parent's rights, duties, or responsibilities to a child, or a person who is charged with any duty or responsibility for the health, welfare, education, or supervision of a child, either independently or through another, no matter how briefly, at the time of the act.

(3) Indecent liberties is a class B felony. [1986 c 131 § 1; 1975 1st ex.s. c 260 § 9A.88.100. Formerly RCW 9A.88.100.]

## Chapter 9A.52 BURGLARY AND TRESPASS

### Sections

9A.52.090 Criminal trespass—Defenses.

**9A.52.090 Criminal trespass—Defenses.** In any prosecution under RCW 9A.52.070 and 9A.52.080, it is a defense that:

- (1) A building involved in an offense under RCW 9A.52.070 was abandoned; or
- (2) The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or

(3) The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain; or

(4) The actor was attempting to serve legal process which includes any document required or allowed to be served upon persons or property, by any statute, rule, ordinance, regulation, or court order, excluding delivery by the mails of the United States. This defense applies only if the actor did not enter into a private residence or other building not open to the public and the entry onto the premises was reasonable and necessary for service of the legal process. [1986 c 219 § 2; 1975 1st ex.s. c 260 § 9A.52.090.]

## Chapter 9A.56 THEFT AND ROBBERY

### Sections

9A.56.010 Definitions.  
9A.56.080 Theft of livestock.

**Robbery of controlled substances, study by commission:** "The sentencing guidelines commission shall study robbery of controlled substances and consider whether this type of robbery should be defined as a separate felony or whether additional sentencing enhancements are needed. The commission shall study the sentences for this type of robbery that have been imposed under the sentencing reform act. The commission shall deliver its recommendations to the legislature by January 1, 1987." [1986 c 257 § 1.]

**9A.56.010 Definitions.** The following definitions are applicable in this chapter unless the context otherwise requires:

- (1) "Appropriate lost or misdelivered property or services" means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property;
- (2) "By color or aid of deception" means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services;
- (3) "Credit card" means any instrument or device, whether incomplete, revoked, or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services, or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guarantee by the issuer;
- (4) "Deception" occurs when an actor knowingly:
  - (a) Creates or confirms another's false impression which the actor knows to be false; or
  - (b) Fails to correct another's impression which the actor previously has created or confirmed; or
  - (c) Prevents another from acquiring information material to the disposition of the property involved; or
  - (d) Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment

is or is not valid, or is or is not a matter of official record; or

(e) Promises performance which the actor does not intend to perform or knows will not be performed.

(5) "Deprive" in addition to its common meaning means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets, or computer programs;

(6) "Obtain control over" in addition to its common meaning, means:

(a) In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or

(b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another;

(7) "Wrongfully obtains" or "exerts unauthorized control" means:

(a) To take the property or services of another;

(b) Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administrator, guardian, or officer of any person, estate, association, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his or her own use or to the use of any person other than the true owner or person entitled thereto; or

(c) Having any property or services in one's possession, custody, or control as partner, to secrete, withhold, or appropriate the same to his or her use or to the use of any person other than the true owner or person entitled thereto, where such use is unauthorized by the partnership agreement;

(8) "Owner" means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services;

(9) "Receive" includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property;

(10) "Services" includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam, and water;

(11) "Stolen" means obtained by theft, robbery, or extortion;

(12) Value. (a) "Value" means the market value of the property or services at the time and in the approximate area of the criminal act.

(b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:

(i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or

thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which the issuer charged the general public;

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(c) Whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all said transactions shall be the value considered in determining the degree of theft involved.

(d) Whenever any person is charged with possessing stolen property and such person has unlawfully in his possession at the same time the stolen property of more than one person, then the stolen property possessed may be aggregated in one count and the sum of the value of all said stolen property shall be the value considered in determining the degree of theft involved.

(e) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding two hundred and fifty dollars;

(13) "Shopping cart" means a basket mounted on wheels or similar container generally used in a retail establishment by a customer for the purpose of transporting goods of any kind;

(14) "Parking area" means a parking lot or other property provided by retailers for use by a customer for parking an automobile or other vehicle. [1986 c 257 § 2; 1985 c 382 § 1; 1984 c 273 § 6; 1975-'76 2nd ex.s. c 38 § 8; 1975 1st ex.s. c 260 § 9A.56.010.]

**Severability—1986 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." [1986 c 257 § 37.]

**Severability—1985 c 382:** "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." [1985 c 382 § 3.]

**Effective date—Severability—1975-'76 2nd ex.s. c 38:** See notes following RCW 9A.08.020.

**9A.56.080 Theft of livestock.** (1) Every person who, with intent to sell or exchange and to deprive or defraud the lawful owner thereof, wilfully takes, leads, or transports away, conceals, withholds, slaughters, or otherwise appropriates any horse, mule, cow, heifer, bull, steer, swine, or sheep is guilty of theft of livestock in the first degree.

(2) A person who commits what would otherwise be theft of livestock in the first degree but without intent to sell or exchange, and for the person's own use only, is guilty of theft of livestock in the second degree.

(3) Theft of livestock in the first degree is a class B felony.

(4) Theft of livestock in the second degree is a class C felony. [1986 c 257 § 32; 1977 ex.s. c 174 § 2; 1975 1st ex.s. c 260 § 9A.56.080.]

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—1986 c 257 §§ 17–35: See note following RCW 9.94A.030.

*Action by owner of damaged or stolen livestock: RCW 4.24.320.*

## Chapter 9A.64 FAMILY OFFENSES

### Sections

9A.64.010 Bigamy.

**9A.64.010 Bigamy.** (1) A person is guilty of bigamy if he intentionally marries or purports to marry another person when either person has a living spouse.

(2) In any prosecution under this section, it is a defense that at the time of the subsequent marriage or purported marriage:

(a) The actor reasonably believed that the prior spouse was dead; or

(b) A court had entered a judgment purporting to terminate or annul any prior disqualifying marriage and the actor did not know that such judgment was invalid; or

(c) The actor reasonably believed that he was legally eligible to marry.

(3) The limitation imposed by RCW 9A.04.080 on commencing a prosecution for bigamy does not begin to run until the death of the prior or subsequent spouse of the actor or until a court enters a judgment terminating or annulling the prior or subsequent marriage.

(4) Bigamy is a class C felony. [1986 c 257 § 14; 1975 1st ex.s. c 260 § 9A.64.010.]

**Severability**—1986 c 257: See note following RCW 9A.56.010.

## Chapter 9A.82 CRIMINAL PROFITEERING ACT (Formerly: Racketeering)

### Sections

9A.82.010 Definitions.

**9A.82.010 Definitions.** Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(2) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting

from the failure of a person to whom an extension is made to repay the same.

(3) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(4) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(5) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(6) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(7) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(8) "Dealer in property" means a person who buys and sells property as a business.

(9) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(10) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(11) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(12) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(13) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(14) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:



(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and 9A.56.080;

(f) Child selling or child buying, as defined in RCW 9A.64.030;

(g) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;

(h) Gambling, as defined in RCW 9.46.220 and 9.46.230;

(i) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

(j) Extortionate extension of credit, as defined in RCW 9A.82.020;

(k) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;

(l) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;

(m) Collection of an unlawful debt, as defined in RCW 9A.82.045;

(n) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;

(o) Trafficking in stolen property, as defined in RCW 9A.82.050;

(p) Leading organized crime, as defined in RCW 9A.82.060;

(q) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;

(r) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;

(s) Promoting pornography, as defined in RCW 9.68.140;

(t) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;

(u) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;

(v) Arson, as defined in RCW 9A.48.020 and 9A.48.030; or

(w) Assault, as defined in \*RCW 9A.36.010 and 9A.36.020.

(15) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county

prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(16) "Records" means any book, paper, writing, record, computer program, or other material.

(17) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(18) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

(a) In violation of any one of the following:

(i) Chapter 67.16 RCW relating to horse racing;

(ii) Chapter 9.46 RCW relating to gambling;

(b) In a gambling activity in violation of federal law; or

(c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

(19)(a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest shall be considered to be located where the real property owned by the trustee is located.

(20) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(21) (a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under subsection (21)(a)(i) or (ii) of this section.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust. [1986 c 78 § 1; 1985 c 455 § 2; 1984 c 270 § 1.]

\*Reviser's note: RCW 9A.36.010 and 9A.36.020 were repealed by 1986 c 257 § 9, effective July 1, 1987. Later enactment, see RCW 9A.36.011 and 9A.36.021, respectively.

## Title 10

### CRIMINAL PROCEDURE

#### Chapters

- 10.19 Bail and appearance bonds.
- 10.79 Searches and seizures.
- 10.85 Rewards.
- 10.95 Capital punishment—Aggravated first degree murder.
- 10.99 Domestic violence—Official response.

#### Chapter 10.19

##### BAIL AND APPEARANCE BONDS

#### Sections

- 10.19.090 Forfeiture, exoneration of recognizances—Judgment—Execution.
- 10.19.140 Return of bond to surety, when.
- 10.19.150 Liability of surety, limitation.
- 10.19.160 Surrender of person under surety's bond.

**10.19.090 Forfeiture, exoneration of recognizances—Judgment—Execution.** In criminal cases where a recognizance for the appearance of any person, either as a witness or to appear and answer, shall have been taken and a default entered, the recognizance shall be declared forfeited by the court, and at the time of adjudging such forfeiture said court shall enter judgment against the principal and sureties named in such recognizance for the sum therein mentioned, and execution may issue thereon the same as upon other judgments. If the surety is not notified by the court in writing of the unexplained failure of the defendant to appear within thirty days of the date for appearance, then the forfeiture shall be null and void and the recognizance exonerated. [1986 c 322 § 2; Code 1881 § 1137; 1873 p 230 § 217; 1867 p 103 § 1; RRS § 2231.]

**Severability—1986 c 322:** "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." [1986 c 322 § 6.]

**10.19.140 Return of bond to surety, when.** If a forfeiture has been entered against a person in a criminal case and the person is returned to custody or produced in court within twelve months from the forfeiture, then

the full amount of the bond, less any and all costs determined by the court to have been incurred by law enforcement in transporting, locating, apprehending, or processing the return of the person to the jurisdiction of the court, shall be remitted to the surety if the surety was directly responsible for producing the person in court or directly responsible for apprehension of the person by law enforcement. [1986 c 322 § 3.]

**Severability—1986 c 322:** See note following RCW 10.19.090.

**10.19.150 Liability of surety, limitation.** The liability of the surety is limited to the amount of the bond when acting within the scope of the surety's duties in issuing the bond. [1986 c 322 § 4.]

**Severability—1986 c 322:** See note following RCW 10.19.090.

**10.19.160 Surrender of person under surety's bond.** The surety on the bond may return to custody a person in a criminal case under the surety's bond if the surrender is accompanied by a notice of forfeiture or a notarized affidavit specifying the reasons for the surrender. The surrender shall be made to the facility in which the person was originally held in custody or the county or city jail affiliated with the court issuing the warrant resulting in bail. [1986 c 322 § 5.]

**Severability—1986 c 322:** See note following RCW 10.19.090.

#### Chapter 10.79

##### SEARCHES AND SEIZURES

#### Sections

- 10.79.110 Strip, body cavity searches—Actions for damages, injunctive relief.
- 10.79.120 Strip, body cavity searches—Application of RCW 10.79.130 through 10.79.160.
- 10.79.130 Strip, body cavity searches—Warrant required—Exceptions.
- 10.79.140 Strip, body cavity searches—Uncategorized searches—Determination of reasonable suspicion, probable cause—Less-intrusive alternatives.
- 10.79.150 Strip, body cavity searches—Written record required, contents—Unnecessary persons prohibited.
- 10.79.160 Strip, body cavity searches—Physical examinations for public health purposes excluded.
- 10.79.170 Strip, body cavity searches—Nonliability when search delayed.

**10.79.110 Strip, body cavity searches—Actions for damages, injunctive relief.** (1) A person who suffers damage or harm as a result of a violation of RCW 10.79.080, 10.79.090, 10.79.100, or 10.79.130 through 10.79.170 may bring a civil action to recover actual damages sustained by him or her. The court may, in its discretion, award injunctive and declaratory relief as it deems necessary.

(2) RCW 10.79.080, 10.79.090, 10.79.100, and 10.79.130 through 10.79.170 shall not be construed as limiting any constitutional, common law, or statutory right of any person regarding any action for damages or injunctive relief, or as precluding the prosecution under another provision of law of any law enforcement officer

or other person who has violated RCW 10.79.080, 10.79.090, 10.79.100, or 10.79.130 through 10.79.170. [1986 c 88 § 7; 1983 1st ex.s. c 42 § 6.]

**Effective date—Severability—1983 1st ex.s. c 42:** See notes following RCW 10.79.060.

**10.79.120 Strip, body cavity searches—Application of RCW 10.79.130 through 10.79.160.** RCW 10.79.130 through 10.79.160 apply to any person in custody at a holding, detention, or local correctional facility, other than a person committed to incarceration by order of a court, regardless of whether an arrest warrant or other court order was issued before the person was arrested or otherwise taken into custody unless the court issuing the warrant has determined that the person shall not be released on personal recognizance, bail, or bond. RCW 10.79.130 through 10.79.160 do not apply to a person held for post-conviction incarceration for a criminal offense. The definitions and remedies provided by RCW 10.79.070 and 10.79.110 apply to RCW 10.79.130 through 10.79.160. [1986 c 88 § 1.]

**10.79.130 Strip, body cavity searches—Warrant required—Exceptions.** (1) No person to whom this section is made applicable by RCW 10.79.120 may be strip searched without a warrant unless:

(a) There is a reasonable suspicion to believe that a strip search is necessary to discover weapons, criminal evidence, contraband, or other thing concealed on the body of the person to be searched, that constitutes a threat to the security of a holding, detention, or local correctional facility;

(b) There is probable cause to believe that a strip search is necessary to discover other criminal evidence concealed on the body of the person to be searched, but not constituting a threat to facility security; or

(c) There is a reasonable suspicion to believe that a strip search is necessary to discover a health condition requiring immediate medical attention.

(2) For the purposes of subsection (1) of this section, a reasonable suspicion is deemed to be present when the person to be searched has been arrested for:

(a) A violent offense as defined in RCW 9.94A.030 or any successor statute;

(b) An offense involving escape, burglary, or the use of a deadly weapon; or

(c) An offense involving possession of a drug or controlled substance under chapter 69.41, 69.50, or 69.52 RCW or any successor statute. [1986 c 88 § 2.]

**10.79.140 Strip, body cavity searches—Uncategorized searches—Determination of reasonable suspicion, probable cause—Less-intrusive alternatives.** (1) A person to whom this section is made applicable by RCW 10.79.120 who has not been arrested for an offense within one of the categories specified in RCW 10.79.130(2) may nevertheless be strip searched, but only upon an individualized determination of reasonable suspicion or probable cause as provided in this section.

(2) With the exception of those situations in which reasonable suspicion is deemed to be present under RCW 10.79.130(2), no strip search may be conducted without the specific prior written approval of the jail unit supervisor on duty. Before any strip search is conducted, reasonable efforts must be made to use other less-intrusive means, such as pat-down, electronic metal detector, or clothing searches, to determine whether a weapon, criminal evidence, contraband, or other thing is concealed on the body, or whether a health condition requiring immediate medical attention is present. The determination of whether reasonable suspicion or probable cause exists to conduct a strip search shall be made only after such less-intrusive means have been used and shall be based on a consideration of all information and circumstances known to the officer authorizing the strip search, including but not limited to the following factors:

(a) The nature of the offense for which the person to be searched was arrested;

(b) The prior criminal record of the person to be searched; and

(c) Physically violent behavior of the person to be searched, during or after the arrest. [1986 c 88 § 3.]

**10.79.150 Strip, body cavity searches—Written record required, contents—Unnecessary persons prohibited.** (1) A written record of any strip search shall be maintained in the individual file of each person strip searched.

(2) With respect to any strip search conducted under RCW 10.79.140, the record shall contain the following information:

(a) The name of the supervisor authorizing the strip search;

(b) The specific facts constituting reasonable suspicion to believe that the strip search was necessary;

(c) The name and serial number of the officer conducting the strip search and of all other persons present or observing during any part of the strip search;

(d) The time, date, and place of the strip search; and

(e) Any weapons, criminal evidence, contraband, or other thing, or health condition discovered as a result of the strip search.

(3) With respect to any strip search conducted under RCW 10.79.130(2), the record shall contain, in addition to the offense or offenses for which the person searched was arrested, the information required by subsection (2) (c), (d), and (e) of this section.

(4) The record may be included or incorporated in existing forms used by the facility, including the booking form required under the Washington Administrative Code. A notation of the name of the person strip searched shall also be entered in the log of daily activities or other chronological record, if any, maintained pursuant to the Washington Administrative Code.

(5) Except at the request of the person to be searched, no person may be present or observe during the strip search unless necessary to conduct the search. [1986 c 88 § 4.]

**10.79.160 Strip, body cavity searches—Physical examinations for public health purposes excluded.** Physical examinations conducted by licensed medical professionals solely for public health purposes under separate statutory authority shall not be considered searches for purposes of RCW 10.79.120, 10.79.130, and 10.79.140. [1986 c 88 § 5.]

**10.79.170 Strip, body cavity searches—Nonliability when search delayed.** No governmental entity and no employee or contracting agent of a governmental entity shall be liable for injury, death, or damage caused by a person in custody when the injury, death, or damage is caused by or made possible by contraband that would have been discovered sooner but for the delay caused by having to seek a search warrant under RCW 10.79.080 or 10.79.130 through 10.79.160. [1986 c 88 § 6.]

### Chapter 10.85 REWARDS

#### Sections

10.85.030	Rewards by counties, cities, towns, port commissions authorized.
10.85.040	Conflicting claims.
10.85.050	Payment of rewards.

**10.85.030 Rewards by counties, cities, towns, port commissions authorized.** The legislative authority of any county in the state, a port commission, or the governing body of a city or town, when in its opinion the public good requires it, is hereby authorized to offer and pay a suitable reward to any person or persons for information leading to:

(a) The arrest of a specified person or persons convicted of or charged with any criminal offense; or

(b) The arrest and conviction of a person or persons committing a specified criminal offense.

In the event of crimes against county, port district, city, or town property, including but not limited to road signs, vehicles, buildings, or any other type of county, port district, city, or town property, the legislative authority of any county, a port commission, or the governing body of a city or town may offer and pay a suitable reward to any person or persons who shall furnish information leading to the arrest and conviction of any person of any offense against this county, port district, city, or town property, including but not limited to those offenses set forth in RCW 9A.48.070 through 9A.48.090, whether or not the offense is a felony, gross misdemeanor, or misdemeanor. [1986 c 185 § 1; 1981 c 211 § 1; 1979 ex.s. c 53 § 1; 1975-'76 2nd ex.s. c 25 § 1; 1886 p 124 § 1; RRS § 2249.]

**10.85.040 Conflicting claims.** When more than one claimant applies for the payment of any reward, offered by any county legislative authority, board of commissioners of a port district, or city or town governing body, the county legislative authority, board of commissioners of a port district, or city or town governing body shall determine to whom the same shall be paid, and if to

more than one person, in what proportion to each; and their determination shall be final and conclusive. [1986 c 185 § 2; 1979 ex.s. c 53 § 2; 1886 p 124 § 3; RRS § 2251.]

**10.85.050 Payment of rewards.** Whenever any reward has been offered by any county legislative authority, board of commissioners of a port district, or city or town governing body in the state under RCW 10.85.030, the person or persons providing the information shall be entitled to the reward, and the county legislative authority, board of commissioners of a port district, or city or town governing body which has offered the reward is authorized to draw a warrant or warrants out of any money in the county, port district, or city or town treasury, as appropriate, not otherwise appropriated. [1986 c 185 § 3; 1979 ex.s. c 53 § 3; 1886 p 124 § 2; RRS § 2250.]

### Chapter 10.95

### CAPITAL PUNISHMENT—AGGRAVATED FIRST DEGREE MURDER

#### Sections

10.95.180	Death penalty—How executed.
-----------	-----------------------------

**10.95.180 Death penalty—How executed.** (1) The punishment of death shall be supervised by the superintendent of the penitentiary and shall be inflicted either by hanging by the neck or, at the election of the defendant, by intravenous injection of a substance or substances in a lethal quantity sufficient to cause death and until the defendant is dead. In any case, death shall be pronounced by a licensed physician.

(2) All executions, for both men and women, shall be carried out within the walls of the state penitentiary. [1986 c 194 § 1; 1981 c 138 § 18.]

### Chapter 10.99

### DOMESTIC VIOLENCE—OFFICIAL RESPONSE

#### Sections

10.99.020	Definitions. (Effective July 1, 1987.)
-----------	--

**10.99.020 Definitions. (Effective July 1, 1987.)** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Family or household members" means spouses, former spouses, adult persons related by blood or marriage, persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

(2) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- Assault in the first degree (RCW 9A.36.011);
- Assault in the second degree (RCW 9A.36.021);
- Assault in the third degree (RCW 9A.36.031);
- Assault in the fourth degree (RCW 9A.36.041);

- (e) Reckless endangerment (RCW 9A.36.050);
  - (f) Coercion (RCW 9A.36.070);
  - (g) Burglary in the first degree (RCW 9A.52.020);
  - (h) Burglary in the second degree (RCW 9A.52.030);
  - (i) Criminal trespass in the first degree (RCW 9A.52.070);
  - (j) Criminal trespass in the second degree (RCW 9A.52.080);
  - (k) Malicious mischief in the first degree (RCW 9A.48.070);
  - (l) Malicious mischief in the second degree (RCW 9A.48.080);
  - (m) Malicious mischief in the third degree (RCW 9A.48.090);
  - (n) Kidnapping in the first degree (RCW 9A.40.020);
  - (o) Kidnapping in the second degree (RCW 9A.40.030);
  - (p) Unlawful imprisonment (RCW 9A.40.040);
  - (q) Violation of the provisions of a restraining order restraining the person or excluding the person from a residence (RCW 26.09.300);
  - (r) Violation of the provisions of a protection order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, or 26.50.130);
  - (s) Rape in the first degree (RCW 9A.44.040); and
  - (t) Rape in the second degree (RCW 9A.44.050).
- (3) "Victim" means a family or household member who has been subjected to domestic violence. [1986 c 257 § 8; 1984 c 263 § 20; 1979 ex.s. c 105 § 2.]

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—1986 c 257 §§ 3–10: See note following RCW 9A.04.110.

**Effective date**—**Severability**—1984 c 263: See RCW 26.50.901 and 26.50.902.

*Domestic violence defined under the domestic violence prevention act: RCW 26.50.010.*

## Title 13

### JUVENILE COURTS AND JUVENILE OFFENDERS

#### Chapters

- 13.04** Basic juvenile court act.
- 13.32A** Procedures for families in conflict.
- 13.34** Juvenile court act in cases relating to dependency of a child and the termination of a parent and child relationship.
- 13.40** Juvenile justice act of 1977.
- 13.50** Keeping and release of records by juvenile justice or care agencies.

#### Chapter 13.04

#### BASIC JUVENILE COURT ACT

(Formerly: Juvenile courts)

#### Sections

- 13.04.460 Implementation and enforcement of juvenile justice laws—Reports.

**13.04.460 Implementation and enforcement of juvenile justice laws—Reports.** The legislature finds that there is evidence of failure to implement and enforce juvenile justice laws. This failure may be due to a number of factors, including, but not necessarily limited to, resource limitations within the various units of government charged with responsibility for such implementation and enforcement.

Therefore, commencing with April 4, 1986, and continuing through such time as further legislative direction is enacted into law, any person legally responsible for implementation or enforcement of any provision of chapter 13.04, 13.32A, 13.34, or 74.13 RCW who is unable to implement or enforce any such provision shall file a report on the situation as soon as possible with the oversight committee created under \*section 3 of this act or, if the oversight committee has ceased to exist, to the judiciary committees of the house of representatives and the senate. Any such report shall include a documented description of the situation and the reason or reasons for failure to implement or enforce the provision in question.

Nothing contained in this section is intended to limit criminal or civil liability or to protect any employee against possible disciplinary action for failure to perform his or her duties. [1986 c 288 § 4.]

**\*Select legislative committee—1986 c 288 § 3:** "There shall be created a joint select legislative committee to review the implementation and administration of:

- (1) Chapter 13.04 RCW, the basic juvenile court act;
- (2) Chapter 13.32A RCW, procedures for families in conflict generally, and specifically review the alternative residential placement process and the advisability of granting the juvenile court jurisdiction to make in-house placements. The committee shall consider the establishment of a residential school to address the needs of children who, pursuant to law, may be ordered into an alternative residential placement. A residential school may be funded and operated, in whole or in part by private contributions;
- (3) Chapter 13.34 RCW, the juvenile court act relating to dependency of a child and the termination of a parent and child relationship; and

- (4) Chapter 74.13 RCW, child welfare services.

The joint select legislative committee shall be composed of bipartisan members of the house and senate judiciary committee to be selected at the discretion of the committee chairpersons.

The committee established under this section shall meet and conduct hearings as often as is necessary to carry out its responsibilities under this chapter.

In reviewing the implementation and administration of chapters 13.04, 13.32A, 13.34, and 74.13 RCW the joint select legislative committee may inquire into instances where it is alleged that a law enforcement officer, school employee, department employee, judge, or juvenile court employee has either misrepresented a provision of the cited chapters or has failed to follow any such provision.

The joint select legislative committee shall be granted access to all relevant information necessary to monitor behavior of agencies and/or employees: *Provided*, That any confidential information shall be kept confidential by members of the committee and shall not be further disseminated unless specifically authorized by state or federal law.

The joint select legislative committee shall report its findings and make recommendations regarding implementation of the chapters cited in this section in a report submitted to the legislature before the 1988 regular session of the legislature.

The joint select legislative committee, unless recreated by the legislature, shall cease to exist after submitting the report required under this section." [1986 c 288 § 3.]

**Severability**—1986 c 288: See note following RCW 13.32A.050.

## Chapter 13.32A

## PROCEDURES FOR FAMILIES IN CONFLICT

## Sections

- 13.32A.050 Officer taking child into custody—When authorized—Maximum time of custody—Notice to department, when.
- 13.32A.070 Officer taking child into custody—Transporting to home other than of parent—Immunity from liability.
- 13.32A.260 Implementation and enforcement of juvenile justice laws—Reports.

**13.32A.050 Officer taking child into custody—When authorized—Maximum time of custody—Notice to department, when.** A law enforcement officer shall take a child into custody:

(1) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(2) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety; or

(3) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

(4) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW.

Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.

An officer who takes a child into custody under this section and places the child in a designated crisis residential center shall inform the department of such placement within twenty-four hours.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law. [1986 c 288 § 1; 1985 c 257 § 7; 1981 c 298 § 2; 1979 c 155 § 19.]

**Severability—1986 c 288:** "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." [1986 c 288 § 13.]

**Severability—1985 c 257:** See note following RCW 13.34.165.

**Severability—1981 c 298:** See note following RCW 13.32A.040.

**Effective date—Severability—1979 c 155:** See notes following RCW 13.04.011.

**13.32A.070 Officer taking child into custody—Transporting to home other than of parent—Immunity from liability.** (1) An officer taking a child into custody under RCW 13.32A.050 may, at his or her discretion, transport the child to the home of a responsible adult who is other than the child's parent where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in the custody of such adult until such time as the

department can bring about the child's return home or an alternative residential placement can be agreed to or determined pursuant to this chapter. An officer placing a child with a responsible adult other than his or her parent shall immediately notify the department's local community service office of this fact and of the reason for taking the child into custody.

(2) A law enforcement officer acting in good faith pursuant to this chapter in failing to take a child into custody, in taking a child into custody, or in releasing a child to a person other than a parent of such child is immune from civil or criminal liability for such action.

(3) A person other than a parent of such child who receives a child pursuant to this chapter and who acts reasonably and in good faith in doing so is immune from civil or criminal liability for the act of receiving such child. Such immunity does not release such person from liability under any other law including the laws regulating licensed child care and prohibiting child abuse. [1986 c 288 § 2; 1981 c 298 § 5; 1979 c 155 § 21.]

**Severability—1986 c 288:** See note following RCW 13.32A.050.

**Severability—1981 c 298:** See note following RCW 13.32A.040.

**Effective date—Severability—1979 c 155:** See notes following RCW 13.04.011.

**13.32A.260 Implementation and enforcement of juvenile justice laws—Reports.** See RCW 13.04.460.

## Chapter 13.34

## JUVENILE COURT ACT IN CASES RELATING TO DEPENDENCY OF A CHILD AND THE TERMINATION OF A PARENT AND CHILD RELATIONSHIP

## Sections

- 13.34.310 Implementation and enforcement of juvenile justice laws—Reports.

**13.34.310 Implementation and enforcement of juvenile justice laws—Reports.** See RCW 13.04.460.

## Chapter 13.40

## JUVENILE JUSTICE ACT OF 1977

## Sections

- 13.40.025 Juvenile disposition standards commission—Duties—Members—Chairman—Terms—Vacancies—Meetings—Compensation and expenses.
- 13.40.027 Juvenile disposition standards commission—Responsibilities generally—Department to assist.
- 13.40.036 State-wide standards for juvenile facilities—When effective.
- 13.40.038 County juvenile detention facilities—Policy.
- 13.40.200 Violation of order of restitution, community supervision, fines, penalty assessments, or confinement—Modification of order after hearing—Scope—Rights—Use of fines.
- 13.40.300 Commitment of juvenile beyond age twenty-one prohibited—Jurisdiction of juvenile court after juvenile's eighteenth birthday.

**13.40.025 Juvenile disposition standards commission—Duties—Members—Chairman—**

**Terms—Vacancies—Meetings—Compensation and expenses.** (1) There is established a juvenile disposition standards commission to propose disposition standards to the legislature in accordance with RCW 13.40.030 and perform the other responsibilities set forth in this chapter.

(2) The commission shall be composed of the secretary or the secretary's designee and the following nine members appointed by the governor, subject to confirmation by the senate: (a) A superior court judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c) a law enforcement officer; (d) an administrator of juvenile court services; (e) a public defender actively practicing in juvenile court; (f) a county legislative official or county executive; and (g) three other persons who have demonstrated significant interest in the adjudication and disposition of juvenile offenders. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; of Washington prosecutors in respect to the prosecuting attorney or deputy prosecuting attorney member; of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer; of juvenile court administrators in respect to the member who is a juvenile court administrator; and of the state bar association in respect to the public defender member; and of the Washington association of counties in respect to the member who is either a county legislative official or county executive.

(3) The secretary or the secretary's designee shall serve as chairman of the commission.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of the department. The term of the remaining members of the commission shall be three years. The initial terms shall be determined by lot conducted at the commission's first meeting as follows: (a) Four members shall serve a two-year term; and (b) four members shall serve a three-year term. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members shall be compensated in accordance with RCW 43.03.240.

(6) The commission shall meet at least once every three months. [1986 c 288 § 8; 1984 c 287 § 11; 1981 c 299 § 3.]

**Severability—1986 c 288:** See note following RCW 13.32A.050.

**Legislative findings—Severability—Effective date—1984 c 287:** See notes following RCW 43.03.220.

**13.40.027 Juvenile disposition standards commission—Responsibilities generally—Department to assist.** (1) It is the responsibility of the commission to: (a) (i) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally and (ii) specifically review the guidelines relating to the confinement of

minor and first offenders as well as the use of diversion. The committee shall propose modifications to the legislature regarding subsection (1)(a)(ii) of this section by January 1, 1987; (b) solicit the comments and suggestions of the juvenile justice community concerning disposition standards; and (c) develop and propose to the legislature modifications of the disposition standards in accordance with RCW 13.40.030.

(2) It is the responsibility of the department to: (a) Provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders; (b) at the request of the commission, provide technical and administrative assistance to the commission in the performance of its responsibilities; and (c) provide the commission with recommendations for modification of the disposition standards. [1986 c 288 § 9; 1981 c 299 § 4.]

**Severability—1986 c 288:** See note following RCW 13.32A.050.

**13.40.036 State-wide standards for juvenile facilities—When effective.** The commission, in cooperation and consultation with the judiciary committees of the senate and house of representatives, shall propose to the legislature state-wide standards by November 1, 1987, on the following subjects:

(1) The detention intake procedures used and decisions made to release or detain youth in juvenile detention facilities;

(2) The use of punishment, security, and control mechanisms such as isolation, restraints, program restrictions, and the procedures required for their use;

(3) Availability and quality of health care;

(4) Inventory and storage of residents' belongings;

(5) Access to defense counsel;

(6) Residents' rights to communicate with persons outside the facility; and

(7) Information gathering and reporting necessary for educated decision-making by the commission and for the proper monitoring of facilities for compliance with commission standards.

The standards proposed under this section shall become effective upon approval by the legislature. [1986 c 288 § 10.]

**Severability—1986 c 288:** See note following RCW 13.32A.050.

**13.40.038 County juvenile detention facilities—Policy.** It is the policy of this state that all county juvenile detention facilities provide a humane, safe, and rehabilitative environment and that unadjudicated youth remain in the community whenever possible, consistent with public safety and the provisions of chapter 13.40 RCW. [1986 c 288 § 7.]

**Severability—1986 c 288:** See note following RCW 13.32A.050.

**13.40.200 Violation of order of restitution, community supervision, fines, penalty assessments, or confinement—Modification of order after hearing—**

**Scope—Rights—Use of fines.** (1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a wilful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community service hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community service.

(3) (a) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(b) If the violation of the terms of the order under (a) of this subsection is failure to pay fines, penalty assessments, complete community service, or make restitution, the term of confinement imposed under (a) of this subsection shall be assessed at a rate of one day of confinement for each twenty-five dollars or eight hours owed.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community service. The number of hours of community service in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section. [1986 c 288 § 5; 1983 c 191 § 15; 1979 c 155 § 70; 1977 ex.s. c 291 § 74.]

**Severability—1986 c 288:** See note following RCW 13.32A.050.

**Effective date—Severability—1979 c 155:** See notes following RCW 13.04.011.

**Effective dates—Severability—1977 ex.s. c 291:** See notes following RCW 13.04.005.

**13.40.300 Commitment of juvenile beyond age twenty-one prohibited—Jurisdiction of juvenile court after juvenile's eighteenth birthday.** (1) In no case may a juvenile offender be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday. A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) Proceedings are pending seeking the adjudication of a juvenile offense and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday;

(b) The juvenile has been found guilty after a fact finding or after a plea of guilty and an automatic extension is necessary to allow for the imposition of disposition; or

(c) Disposition has been held and an automatic extension is necessary to allow for the execution and enforcement of the court's order of disposition. If an order of disposition imposes commitment to the department, then jurisdiction is automatically extended to include a period of up to twelve months of parole, in no case extending beyond the offender's twenty-first birthday.

(2) If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons.

(3) In no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday.

(4) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older. [1986 c 288 § 6; 1983 c 191 § 17; 1981 c 299 § 17; 1979 c 155 § 73; 1975 1st ex.s. c 170 § 1. Formerly RCW 13.04.260.]

**Severability—1986 c 288:** See note following RCW 13.32A.050.

**Effective date—Severability—1979 c 155:** See notes following RCW 13.04.011.

## Chapter 13.50

### KEEPING AND RELEASE OF RECORDS BY JUVENILE JUSTICE OR CARE AGENCIES

#### Sections

- 13.50.010 Definitions—Conditions when filing petition or information—Duties pursuant to maintenance of accurate records and access thereto.
- 13.50.050 Records relating to commission of juvenile offenses—Maintenance of and access thereto or the destroying thereof.

**13.50.010 Definitions—Conditions when filing petition or information—Duties pursuant to maintenance**



**of accurate records and access thereto.** (1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, and persons or public or private agencies having children committed to their custody;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Social file" means the juvenile court file containing the records and reports of the probation counselor;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information;

(b) An agency shall take reasonable steps to insure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment, or

to individuals or agencies engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the juvenile disposition standards commission under RCW 13.40.025 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission. [1986 c 288 § 11; 1979 c 155 § 8.]

**Severability**—1986 c 288: See note following RCW 13.32A.050.

**Effective date**—**Severability**—1979 c 155: See notes following RCW 13.04.011.

**13.50.050 Records relating to commission of juvenile offenses—Maintenance of and access thereto or the destroying thereof.** (1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section and RCW 13.50.010.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been

referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and

(c) No proceeding is pending seeking the formation of a diversion agreement with that person.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information

can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8).

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any conviction for any adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW for any juvenile adjudication of guilt for a class A offense.

(16) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:

(a) The person making the motion is at least twenty-three years of age;

(b) The person has not subsequently been convicted of a felony;

(c) No proceeding is pending against that person seeking the conviction of a criminal offense; and

(d) The person has never been found guilty of a serious offense.

(18) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted if the court finds that two years have elapsed since completion of the diversion agreement.

(19) If the court grants the motion to destroy records made pursuant to subsection (16) or (18) of this section, it shall order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(20) The person making the motion pursuant to subsection (16) or (18) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(23) Any juvenile justice or care agency may, subject to the limitations in subparagraphs (a) and (b) of this

subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings. [1986 c 257 § 33; 1984 c 43 § 1; 1983 c 191 § 19; 1981 c 299 § 19; 1979 c 155 § 9.]

*Rules of court: Superior Court Criminal Rules (CrR), generally. Discovery: CrR 4.7.*

**Severability**—1986 c 257: See note following RCW 9A.56.010.

**Effective date**—1986 c 257 §§ 17-35: See note following RCW 9.94A.030.

**Effective date**—**Severability**—1979 c 155: See notes following RCW 13.04.011.

## Title 15

### AGRICULTURE AND MARKETING

#### Chapters

- 15.04 General provisions.
- 15.17 Standards of grades and packs.
- 15.24 Apple advertising commission.
- 15.36 Fluid milk.
- 15.58 Washington pesticide control act.
- 15.65 Washington state agricultural enabling act of 1961.
- 15.66 Washington agricultural enabling act of 1955.

#### Chapter 15.04

##### GENERAL PROVISIONS

#### Sections

- 15.04.100 Horticulture inspection trust fund.
- 15.04.200 Expenditures for agricultural development or trade promotion and promotional hosting—Approval by commodity commission—Exemption from housing requirements.

**15.04.100 Horticulture inspection trust fund.** The director shall establish a horticulture inspection trust fund to be derived from horticulture inspection district funds. The director shall adjust district payments so that the balance in the trust fund shall not exceed three hundred thousand dollars. The director is authorized to make payments from the trust fund to:

(1) Pay fees and expenses provided in the inspection agreement between the state department of agriculture and the agricultural marketing service of the United States department of agriculture;

(2) Pay portions of salaries of inspectors—at-large as provided under RCW 15.04.040;

(3) Assist horticulture inspection districts in temporary financial distress as result of less than normal production of horticultural commodities: *Provided*, That

districts receiving such assistance shall make repayment to the trust fund as district funds shall permit;

(4) Pay necessary administrative expenses for the commodity inspection division attributable to the supervision of the horticulture inspection services. [1986 c 203 § 1; 1969 ex.s. c 76 § 1; 1961 c 11 § 15.04.100. Prior: 1959 c 152 § 1; 1957 c 163 § 1.]

**Severability**—1986 c 203: "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." [1986 c 203 § 25.]

**15.04.200 Expenditures for agricultural development or trade promotion and promotional hosting—Approval by commodity commission—Exemption from housing requirements.** (1) Under the authority of Article VIII of the state Constitution as amended, agricultural commodity commission expenditures for agricultural development or trade promotion and promotional hosting by an agricultural commodities commission under chapters 15.24, 15.28, 15.44, 15.65, 15.66, and 16.67 RCW shall be pursuant to specific budget items as approved by the agricultural commodity commission at the annual public hearings on the agricultural commodity commission budget.

(2) Agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents or commissioners. The rules shall identify officials and agents authorized to make expenditures and the objectives of the expenditures. Individual agricultural commodity commission commissioners shall make promotional hosting expenditures, or seek reimbursements for these expenditures, only in those instances where the expenditures have been approved by the agricultural commodity commission. All payments and reimbursements shall be identified and supported on vouchers.

(3) Agricultural commodity commissions shall be exempt from the requirements of RCW 43.01.090 and 43.19.500 and chapter 43.82 RCW. [1986 c 203 § 24; 1985 c 26 § 1.]

**Severability**—1986 c 203: See note following RCW 15.04.100.

**Effective date**—**Contingency**—1985 c 26: "This act shall take effect January 1, 1986, if the proposed amendment to Article VIII, of the state Constitution authorizing agricultural commodity assessments for agricultural development or trade promotion and promotional hosting to be deemed a public use for a public purpose is validly submitted to and is approved and ratified by the voters at a general election held in November 1985. If the proposed amendment is not so approved and ratified, this act shall be null and void in its entirety." [1985 c 26 § 2.] The proposed constitutional amendment was approved by the voters on November 5, 1985. See Article VIII, section 11 of the state Constitution.

#### Chapter 15.17

##### STANDARDS OF GRADES AND PACKS

#### Sections

- 15.17.230 Horticulture inspection districts.

**15.17.230 Horticulture inspection districts.** For the purpose of this chapter the state shall be divided into not less than three horticulture inspection districts to which the director may assign one or more inspectors—at-large who as a representative of the director shall supervise and administer regulatory and inspection affairs of the districts: *Provided*, That for purposes of efficiency and economy the director may by rule promulgated in accordance with the Administrative Procedure Act establish or adjust district boundaries or abolish any district: *Provided, however*, That there shall be at least three districts in existence at all times. [1986 c 203 § 2; 1975 1st ex.s. c 7 § 1; 1969 ex.s. c 76 § 2; 1963 c 122 § 23.]

**Severability—1986 c 203:** See note following RCW 15.04.100.

## Chapter 15.24

### APPLE ADVERTISING COMMISSION

#### Sections

15.24.070 Powers and duties.

**15.24.070 Powers and duties.** The Washington state apple advertising commission is hereby declared and created a corporate body. The powers and duties of the commission shall include the following:

(1) To elect a chairman and such other officers as it deems advisable; and to adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers hereunder, which shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;

(3) To employ and at its pleasure discharge a manager, secretary, agents, attorneys, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices and incur expense and enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter;

(5) To investigate and prosecute violations hereof;

(6) To conduct scientific research to develop and discover the health, food, therapeutic, and dietetic value of apples and products thereof;

(7) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor;

(8) To sue and be sued, adopt a corporate seal, and have all of the powers of a corporation; and

(9) To expend funds for commodity-related education, training, and leadership programs as the commission deems expedient. [1986 c 203 § 3; 1963 c 145 § 5; 1961 c 11 § 15.24.070. Prior: (i) 1937 c 195 § 8; RRS § 2874-8. (ii) 1937 c 195 § 5; RRS § 2874-5. (iii) 1937 c 195 § 4, part; RRS § 2874-4, part.]

**Severability—1986 c 203:** See note following RCW 15.04.100.

## Chapter 15.36

### FLUID MILK

#### Sections

15.36.030 Definitions—"Adulterated and misbranded milk and milk products".

15.36.595 Violations of standards for component parts of fluid dairy products—Civil penalty—Procedure.

#### **15.36.030 Definitions—"Adulterated and misbranded milk and milk products".**

*Civil penalty for violations of standards for component parts of fluid dairy products established by RCW 15.36.030: RCW 15.36.595.*

**15.36.595 Violations of standards for component parts of fluid dairy products—Civil penalty—Procedure.** (1) The director of agriculture shall adopt rules imposing a civil penalty for violations of the standards for component parts of fluid dairy products which are established by RCW 15.36.030 or adopted pursuant to RCW 69.04.398. The penalty shall not exceed ten thousand dollars and shall be such as is necessary to achieve proper enforcement of the standards. The rules shall be adopted before January 1, 1987, and shall become effective on July 1, 1987.

(2) The penalty is imposed by the department giving a written notice which is either personally served upon or transmitted by certified mail, return receipt requested, to the person incurring the penalty. The notice of the civil penalty shall be a final order of the department unless, within fifteen days after the notice is received, the person incurring the penalty appeals the penalty by filing a notice of appeal with the department. If a notice of appeal is filed in a timely manner, a contested case hearing shall be conducted on behalf of the department by the office of administrative hearings in accordance with chapters 34.04 and 34.12 RCW and, to the extent they are not inconsistent with this subsection, the provisions of RCW 15.36.580. At the conclusion of the hearing, the department shall determine whether the penalty should be affirmed, reduced, or not imposed and shall issue a final order setting forth the civil penalty assessed, if any. The order may be appealed to superior court in accordance with chapter 34.04 RCW. Tests performed for the component parts of milk products by a state laboratory of a milk sample collected by a department official shall be admitted as prima facie evidence of the amounts of milk components in the product.

(3) Any penalty imposed under this section is due and payable upon the issuance of the final order by the department.

(4) All penalties received or recovered from violations of this section shall be remitted by the violator to the department and deposited in the revolving fund of the Washington state dairy products commission. One-half of the funds received shall be used for purposes of education with the remainder one-half to be used for dairy processing and/or marketing research. No appropriation is required for disbursements from this fund.

(5) In case of a violation of the standards for the composition of milk products, an investigation shall be made to determine the cause of the violation which shall

be corrected. Additional samples shall be taken as soon as possible and tested by the department. [1986 c 203 § 19.]

**Severability—1986 c 203:** See note following RCW 15.04.100.

**Chapter 15.58**

**WASHINGTON PESTICIDE CONTROL ACT**

Sections

- 15.58.220 Public pest control consultant license—Nonfee—Exemptions.
- 15.58.240 Classified licenses—Limitations—Examinations—Fee—Renewal.

**15.58.220 Public pest control consultant license—Nonfee—Exemptions.** For the purpose of this section public pest control consultant means any individual who is employed by a governmental agency or unit to act as a pest control consultant as defined in RCW 15.58.030(23). No person shall act as a public pest control consultant on or after February 28, 1973 without first obtaining a nonfee license from the director. Public pest control consultant licenses shall expire on the fifth December 31st from the date of issuance: *Provided*, That all public pest control consultant licenses valid on December 31, 1985, shall expire on December 31, 1990. Application for a license shall be on a form prescribed by the director: *Provided*, That federal and state employees whose principal responsibilities are in pesticide research, the jurisdictional health officer or his duly authorized representative, and public operators licensed under RCW 17.21.220 shall be exempt from this licensing provision. [1986 c 203 § 4; 1981 c 297 § 20; 1971 ex.s. c 190 § 22.]

**Severability—1986 c 203:** See note following RCW 15.04.100.

**Severability—1981 c 297:** See note following RCW 15.36.110.

**15.58.240 Classified licenses—Limitations—Examinations—Fee—Renewal.** The director may classify licenses to be issued under the provisions of this chapter. Such classifications may include but not be limited to agricultural crops, ornamentals, or noncrop land herbicides. If the licensee has a classified license he shall be limited to practicing within these classifications. Each such classification shall be subject to separate testing procedures and requirements: *Provided*, That no person shall be required to pay an additional license fee if such person desires to be licensed in one or all of the license classifications provided for by the director under the authority of this section. The director may renew any applicant's license under the classification for which the applicant is licensed, subject to reexamination or other recertification standards as determined by the director when deemed necessary because new knowledge or new classifications are required to carry out the responsibilities of the licensee. [1986 c 203 § 5; 1971 ex.s. c 190 § 24.]

**Severability—1986 c 203:** See note following RCW 15.04.100.

**Chapter 15.65**

**WASHINGTON STATE AGRICULTURAL ENABLING ACT OF 1961**

Sections

- 15.65.020 Definitions.
- 15.65.055 Regulatory authority on the production of rapeseed by variety and location.

**15.65.020 Definitions.** The following terms are hereby defined:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative. The phrase "director or his designee" means the director unless, in the provisions of any marketing agreement or order, he has designated an administrator, board or other designee to act for him in the matter designated, in which case "director or his designee" means for such order or agreement the administrator, board or other person(s) so designated and not the director.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Marketing order" means an order issued by the director pursuant to this chapter.

(4) "Marketing agreement" means an agreement entered into and issued by the director pursuant to this chapter.

(5) "Agricultural commodity" means any animal or any distinctive type of agricultural, horticultural, viticultural, floricultural, vegetable, or animal product, including, but not limited to, products qualifying as organic food products under chapter 15.86 RCW and private sector cultured aquatic products as defined in RCW 15.85.020 and other fish and fish products, either in its natural or processed state, including bees and honey and Christmas trees but not including timber or timber products. The director is hereby authorized to determine (on the basis of common usage and practice) what kinds, types or sub-types should be classed together as an agricultural commodity for the purposes of this chapter.

(6) "Production area" and "marketing area" means any area defined as such in any marketing order or agreement in accordance with RCW 15.65.350. "Affected area" means the marketing or production area so defined in such order, agreement or proposal.

(7) "Unit" of an agricultural commodity means a unit of volume, weight, quantity, or other measure in which such commodity is commonly measured. The director shall designate in each marketing order and agreement the unit to be used therein.

(8) "Affected unit" means in the case of marketing agreements and orders drawn on the basis of a production area, any unit of the commodity specified in or covered by such agreement or order which is produced in such area and sold or marketed or delivered for sale or marketing; and "affected unit" means, in the case of marketing agreements and orders drawn on the basis of marketing area, any unit of the commodity specified in or covered by such agreement or order which is stored in frozen condition or sold or marketed or delivered for sale

or marketing within such marketing area: *Provided*, That in the case of marketing agreements "affected unit" shall include only those units which are produced by producers or handled by handlers who have assented to such agreement.

(9) "Affected commodity" means that part or portion of any agricultural commodity which is covered by or forms the subject matter of any marketing agreement or order or proposal, and includes all affected units thereof as herein defined and no others.

(10) "Producer" means any person engaged in the business of producing any agricultural commodity for market in commercial quantities. "Affected producer" means any producer of an affected commodity. "To produce" means to act as a producer. For the purposes of RCW 15.65.140 and 15.65.160 as now or hereafter amended "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(11) "Handler" means any person who acts, either as principal, agent or otherwise, in processing, selling, marketing or distributing an agricultural commodity or storage of a frozen agricultural commodity which was not produced by him. "Handler" does not mean a common carrier used to transport an agricultural commodity. "Affected handler" means any handler of an affected commodity. "To handle" means to act as a handler.

(12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to any agricultural commodity. A producer-handler shall be deemed to be a producer with respect to the agricultural commodities which he produces, and a handler with respect to the agricultural commodities which he handles, including those produced by himself.

(13) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of congress of the United States of February 18, 1922 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.

(14) "Member of a cooperative association" means any producer who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is a party to a marketing agreement with such cooperative association with respect to such product.

(15) "Producer marketing" or "marketed by producers" means any or all operations performed by any producer or cooperative association of producers in preparing for market and marketing, and shall include: (a) selling any agricultural commodity produced by such producer(s) to any handler; (b) delivering any such commodity or otherwise disposing of it for commercial purposes to or through any handler.

(16) "Commercial quantities" as applied to producers and/or production means such quantities per year (or other period of time) of an agricultural commodity as the director finds are not less than the minimum which a prudent man engaged in agricultural production would produce for the purpose of making such quantity of such commodity a substantial contribution to the economic operation of the farm on which such commodity is produced. "Commercial quantities" as applied to handlers and/or handling means such quantities per year (or other period of time) of an agricultural commodity or product thereof as the director finds are not less than the minimum which a prudent man engaged in such handling would handle for the purpose of making such quantity a substantial contribution to the handling operation in which such commodity or product thereof is so handled. In either case the director may in his discretion: (a) determine that substantial quantity is any amount above zero; and (b) apply the quantity so determined on a uniform rule applicable alike to all persons which he finds to be similarly situated.

(17) "Commodity board" means any board established pursuant to RCW 15.65.220. "Board" means any such commodity board unless a different board is expressly specified.

(18) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(19) "Section" means a section of this chapter unless some other statute is specifically mentioned. The present includes the past and future tenses, and the past or future the present. The masculine gender includes the feminine and neuter. The singular number includes the plural and the plural includes the singular.

(20) "Represented in a referendum" means that a written document evidencing approval or assent or disapproval or dissent is duly and timely filed with or mailed to the director by or on behalf of an affected producer and/or a volume of production of an affected commodity in a form which the director finds meets the requirements of this chapter.

(21) "Person" as used in this chapter shall mean any person, firm, association or corporation. [1986 c 203 § 15. Prior: 1985 c 457 § 13; 1985 c 261 § 1; 1975 1st ex.s. c 7 § 2; 1961 c 256 § 2.]

Severability—1986 c 203: See note following RCW 15.04.100.

**15.65.055 Regulatory authority on the production of rapeseed by variety and location.** The legislature finds that the production of marketable rapeseed within this state is in the interest of the public welfare. The legislature further finds that the production of incompatible varieties of rapeseed in close geographical proximity adversely affects the purity and marketability of rapeseed, and that it is in the public interest to establish geographical districts and buffer zones wherein the production of rapeseed may be restricted by variety.

For the purpose of rapeseed production in the state of Washington, the director of the department of agriculture shall have the regulatory authority on the production of rapeseed by variety and geographic location until

such time as a rapeseed commodity commission is formulated. Once formed, the rapeseed commodity commission shall assume the regulatory authority on the production of rapeseed by variety and geographic location in the state of Washington. [1986 c 203 § 21.]

**Severability**—1986 c 203: See note following RCW 15.04.100.

### Chapter 15.66

## WASHINGTON AGRICULTURAL ENABLING ACT OF 1955

#### Sections

15.66.010	Definitions.
15.66.025	Regulatory authority on the production of rapeseed by variety and location.

**15.66.010 Definitions.** For the purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him concerning some matter under this chapter.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Marketing order" means an order issued by the director pursuant to this chapter.

(4) "Agricultural commodity" means any animal or any distinctive type of agricultural, horticultural, viticultural, vegetable, and/or animal product, including, but not limited to, products qualifying as organic food products under chapter 15.86 RCW and private sector cultured aquatic products as defined in RCW 15.85.020 and other fish and fish products, within its natural or processed state, including bees and honey and Christmas trees but not including timber or timber products. The director is authorized to determine what kinds, types or subtypes should be classed together as an agricultural commodity for the purposes of this chapter.

(5) "Producer" means any person engaged in the business of producing or causing to be produced for market in commercial quantities any agricultural commodity. For the purposes of RCW 15.66.060, 15.66.090, and 15.66.120, as now or hereafter amended "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(6) "Affected producer" means any producer of an affected commodity.

(7) "Affected commodity" means any agricultural commodity for which the director has established a list of producers pursuant to RCW 15.66.060.

(8) "Commodity commission" or "commission" means a commission formed to carry out the purposes of this chapter under a particular marketing order concerning an affected commodity.

(9) "Unit" means a unit of volume, quantity or other measure in which an agricultural commodity is commonly measured.

(10) "Unfair trade practice" means any practice which is unlawful or prohibited under the laws of the state of Washington including but not limited to Titles 15, 16 and 69 RCW and chapters 9.16, 19.77, 19.80, 19.84, and 19.83 RCW, or any practice, whether concerning interstate or intrastate commerce that is unlawful under the provisions of the act of Congress of the United States, September 26, 1914, chapter 311, section 5, 38 U.S. Statutes at Large 719 as amended, known as the "Federal Trade Commission Act of 1914", or the violation of or failure accurately to label as to grades and standards in accordance with any lawfully established grades or standards or labels.

(11) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.

(12) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of Congress of the United States, Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large 388 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.

(13) "Member of a cooperative association" or "member" means any producer of an agricultural commodity who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is under a marketing agreement with such cooperative association with respect to such product. [1986 c 203 § 16; 1985 c 457 § 14; 1983 c 288 § 6; 1982 c 35 § 180; 1975 1st ex.s. c 7 § 6; 1961 c 11 § 15.66.010. Prior: 1955 c 191 § 1.]

**Severability**—1986 c 203: See note following RCW 15.04.100.

**Short title**—**Purposes**—1983 c 288: See note following RCW 19.86.090.

**Intent**—**Severability**—**Effective dates**—**Application**—1982 c 35: See notes following RCW 43.07.160.

**15.66.025 Regulatory authority on the production of rapeseed by variety and location.** For the purpose of rapeseed production in the state of Washington, the director of the department of agriculture shall have the regulatory authority on the production of rapeseed by variety and geographical location until such time as a rapeseed commodity commission is formulated. Once formed, the rapeseed commodity commission shall assume the regulatory authority on the production of rapeseed by variety and geographic location in the state of Washington. [1986 c 203 § 22.]

**Severability**—1986 c 203: See note following RCW 15.04.100.

**Title 16**  
**ANIMALS, ESTRAYS, BRANDS AND**  
**FENCES**

**Chapters**

- 16.20** Bulls at large.  
**16.38** Livestock diseases—Diagnostic service program.  
**16.67** Washington state beef commission act.

**Chapter 16.20**  
**BULLS AT LARGE**

## Sections

- 16.20.020 Bulls on range to be registered bulls of recognized breed—Exception.  
16.20.030 Proportion of bulls to cows.

**16.20.020 Bulls on range to be registered bulls of recognized breed—Exception.** It shall be unlawful for any person, firm, association or corporation to turn upon or allow to run at large on any range area in this state any bull other than a registered bull of a recognized beef breed. All persons running cattle in common on any range area may, however, agree to run any purebred or crossbred bull of any breed, registered or unregistered, as they may deem appropriate for their area. [1986 c 177 § 1; 1985 c 415 § 18; 1917 c 111 § 1; RRS § 3082.]

**16.20.030 Proportion of bulls to cows.** Before any person, firm, association or corporation turns upon a range area in this state any female cattle of breeding age of more than fifteen in number, they shall procure and turn with said female breeding cattle one registered bull of recognized beef breed for every forty females or fraction thereof of twenty-five or over. All persons running cattle in common on any range area may, however, agree to any other proportion of bulls to female cattle of breeding age as they may deem appropriate for their area. [1986 c 177 § 2; 1917 c 111 § 2; RRS § 3083.]

**Chapter 16.38**

**LIVESTOCK DISEASES—DIAGNOSTIC SERVICE**  
**PROGRAM**

## Sections

- 16.38.060 Schedule of fees may be established—Use.

**16.38.060 Schedule of fees may be established—Use.** The director may, following a public hearing, establish a schedule of fees for services performed in carrying out such diagnostic service program. All fees collected under this provision shall be retained by the director of agriculture to be spent only for carrying out the purposes of this chapter. [1986 c 203 § 6; 1969 c 100 § 6.]

**Severability—1986 c 203:** See note following RCW 15.04.100.

[1986 RCW Supp—page 62]

**Chapter 16.67****WASHINGTON STATE BEEF COMMISSION ACT**

## Sections

- 16.67.120 Levy of assessment—Exemption.  
16.67.122 Additional assessment—National beef research and promotion program—Contingency.  
16.67.150 Sales of milk production animals exempted from assessment—Exception.

**16.67.120 Levy of assessment—Exemption.** There is hereby levied an assessment of fifty cents per head on all Washington cattle sold in this state or elsewhere to be paid by the seller at the time of sale: *Provided*, That if the assessment levied pursuant to this section is greater than one percent of the sales price, the animal is exempt from the assessment unless the federal order implementing the national beef promotion and research program establishes an assessment on these animals: *Provided further*, That if such sale is accompanied by a brand inspection by the department such assessment shall be collected at the same time, place and in the same manner as brand inspection fees. Such fees shall be collected by the livestock services division of the department and transmitted to the commission: *Provided further*, That, if such sale is made without a brand inspection by the department the assessment shall be paid by the seller and transmitted directly to the commission not later than thirty days following the sale. [1986 c 190 § 2; 1982 c 47 § 1; 1975 1st ex.s. c 93 § 1; 1969 c 133 § 11.]

**16.67.122 Additional assessment—National beef research and promotion program—Contingency.** In addition to the assessment authorized pursuant to RCW 16.67.120, the commission shall have the authority to collect an additional assessment of fifty cents per head for cattle subject to assessment by federal order for the purpose of providing funds for a national beef promotion and research program. The manner in which this assessment will be levied and collected shall be established by rule. The authority to collect this assessment shall be contingent upon the implementation of federal legislation providing for a national beef promotion and research program and the establishment of the assessment requirement to fund its activities. [1986 c 190 § 1.]

**16.67.150 Sales of milk production animals exempted from assessment—Exception.** The assessment provided for in RCW 16.67.120 shall not be applicable to any animal sold for milk production unless the federal order implementing the national beef promotion and research program establishes an assessment on the animals. [1986 c 190 § 3; 1969 c 133 § 14.]

**Title 17****WEEDS, RODENTS AND PESTS****Chapters**

- 17.21** Washington pesticide application act.



## Chapter 17.21

## WASHINGTON PESTICIDE APPLICATION ACT

## Sections

17.21.090	Examination for applicator's license—Fee.
17.21.120	Examination for operator's license—Fee.
17.21.128	Renewal of certificate or license.
17.21.130	Revocation or suspension of licenses.
17.21.220	Application of chapter to governmental entities— Public operator's license—Liability.
17.21.305	Licensing by cities of first class and counties.

**17.21.090 Examination for applicator's license—Fee.** The director shall not issue a pesticide applicator's license until the applicant, if he is the sole owner of the business, or if there is more than one owner, the person managing the business, has passed an examination to demonstrate to the director (1) his knowledge of how to apply pesticides under the classifications he has applied for, manually or with the various apparatuses that he may have applied for a license to operate under the provisions of this chapter, and (2) his knowledge of the nature and effect of pesticides he may apply manually or with such apparatuses under such classifications. The pesticide applicator's license shall expire on December 31 following issuance. The director shall charge an examination fee of five dollars when an examination is necessary before a license may be issued or when application for such license and examination is made at other than a regularly scheduled examination date as provided for by the director. [1986 c 203 § 7; 1971 ex.s. c 191 § 2; 1967 c 177 § 5; 1961 c 249 § 9.]

**Severability—1986 c 203:** See note following RCW 15.04.100.

**17.21.120 Examination for operator's license—Fee.** The director shall not issue an operator's license before such applicant has passed an examination to demonstrate to the director (1) his ability to apply pesticides in the classifications he has applied for, manually or with the various apparatuses that he may have applied for a license to operate, and (2) his knowledge of the nature and effect of pesticides applied manually or used in such apparatuses under such classifications. The operator's license shall expire on December 31 following issuance. The director shall charge an examination fee of five dollars when an examination is necessary before a license may be issued and when application for such license and examination is made at other than a regularly scheduled examination date as provided for by the director. [1986 c 203 § 8; 1967 c 177 § 7; 1961 c 249 § 12.]

**Severability—1986 c 203:** See note following RCW 15.04.100.

**17.21.128 Renewal of certificate or license.** The director may renew any certification or license issued under authority of this chapter under the classification for which such applicant is licensed or certificated subject to recertification standards as determined by the director or examination regarding new knowledge that may be required to apply pesticides. [1986 c 203 § 9; 1979 c 92 § 9.]

**Severability—1986 c 203:** See note following RCW 15.04.100.

**17.21.130 Revocation or suspension of licenses.** Any license provided for in this chapter may be revoked or suspended by the director for cause. [1986 c 203 § 10; 1961 c 249 § 13.]

**Severability—1986 c 203:** See note following RCW 15.04.100.

**17.21.220 Application of chapter to governmental entities—Public operator's license—Liability.** (1) All state agencies, municipal corporations, and public utilities or any other governmental agency shall be subject to the provisions of this chapter and rules adopted thereunder concerning the application of pesticides: *Provided*, That the operators applying any pesticide restricted to use by certified applicators or in charge of any apparatuses used by any state agencies, municipal corporations and public utilities or any governmental agencies shall be subject to the provisions of RCW 17.21.100, 17.21.110 and 17.21.120: *Provided further*, That the director shall issue a limited public operator license without a fee to such operators which shall be valid only when such operators are acting as employees of a state agency, municipal corporation, public utility, or other government agency: *And provided further*, That the jurisdictional health officer or his duly authorized representative is exempt from this licensing provision when applying pesticides not restricted to use by certified applicators to control pests other than weeds. Public operator licenses shall expire on the fifth December 31 from the date of issuance. All public operator licenses valid on December 31, 1985, shall expire on December 31, 1990.

(2) Such agencies, municipal corporations and public utilities shall be subject to legal recourse by any person damaged by such application of any pesticide, and such action may be brought in the county where the damage or some part thereof occurred. [1986 c 203 § 11; 1981 c 297 § 24; 1971 ex.s. c 191 § 7; 1967 c 177 § 13; 1961 c 249 § 22.]

**Severability—1986 c 203:** See note following RCW 15.04.100.

**Severability—1981 c 297:** See note following RCW 15.36.110.

**17.21.305 Licensing by cities of first class and counties.** The provisions of this chapter requiring all structural pest control operators, exterminators and fumigators to license with the department shall not preclude a city of the first class with a population of one hundred thousand people or more, or the county in which it is situated, from also licensing structural pest control operators, exterminators and fumigators operating within the territorial confines of said city or county: *Provided*, That when structural pest control operators, exterminators and fumigators are licensed by both the city of the first class and the county in which the city is situated, and there exists a joint county-city health department, then the joint county-city health department may enforce the provisions of the city and county as to the license requirements for the structural pest control operators, exterminators and fumigators. [1986 c 203 § 12; 1967 c 177 § 19.]

Severability—1986 c 203: See note following RCW 15.04.100.

## Title 18

### BUSINESSES AND PROFESSIONS

#### Chapters

- 18.04 Accountancy.
- 18.11 Auctioneers.
- 18.12 Auctions of jewelry or appliances.
- 18.20 Boarding homes.
- 18.22 Podiatry.
- 18.25 Chiropractic.
- 18.26 Chiropractic disciplinary board.
- 18.27 Registration of contractors.
- 18.29 Dental hygienist.
- 18.32 Dentistry.
- 18.34 Dispensing opticians.
- 18.35 Hearing aids.
- 18.36 Drugless healing.
- 18.39 Embalmers—Funeral directors.
- 18.43 Engineers and land surveyors.
- 18.46 Maternity homes.
- 18.50 Midwifery.
- 18.51 Nursing homes.
- 18.53 Optometry.
- 18.54 Optometry board.
- 18.55 Ocularists.
- 18.57 Osteopathy—Osteopathic medicine and surgery.
- 18.57A Osteopathic physicians' assistants.
- 18.59 Occupational therapy.
- 18.71 Physicians.
- 18.71A Physicians' assistants.
- 18.72 Medical disciplinary board.
- 18.73 Emergency medical care and transportation services.
- 18.74 Physical therapy.
- 18.78 Practical nurses.
- 18.83 Psychologists.
- 18.88 Registered nurses.
- 18.92 Veterinary medicine, surgery and dentistry.
- 18.100 Professional service corporations.
- 18.108 Massage operators and businesses.
- 18.130 Uniform disciplinary act—Health and health-related professions.
- 18.135 Health care assistants.

#### Chapter 18.04 ACCOUNTANCY

##### Sections

- 18.04.025 Definitions.
- 18.04.035 Board of accountancy—Members—Terms—Vacancies—Removal.
- 18.04.045 Board—Officers and staff—Compensation—Quorum—Records—Annual report.
- 18.04.055 Board—Rules.

- 18.04.105 Issuance of certificate—Requirements—Examination—Fees—Certified public accountants' account—Prior licensees—Continuing professional education.
- 18.04.185 Nonresidents—Application for certification or biennial license—Secretary of state agent for service of process.
- 18.04.195 Biennial license required—Requirements—Application—Fees.
- 18.04.205 Registration of offices—Requirements—Rules—Fees.
- 18.04.215 Biennial license—Issuance—Renewal—Continuing professional education.
- 18.04.295 Revocation, suspension, or refusal to renew a license issued to a certified public accountant.
- 18.04.305 Revocation, suspension, or refusal to renew license issued to a firm.
- 18.04.320 Proceedings for refusal, revocation, or suspension of certificate or license.
- 18.04.335 Reissuance of certificate—Reissuance or modification of suspension of license.
- 18.04.345 Prohibited practices.
- 18.04.350 Practices not prohibited.
- 18.04.380 Advertising falsely—Effect.
- 18.04.390 Papers, records, schedules, etc., property of the accountant—Prohibited practices—Rights of client.
- 18.04.405 Confidential information—Disclosure, when—Subpoenas.
- 18.04.901 Severability.
- 18.04.911 Effective date—1986 c 295.
- 18.04.920 Short title.
- 18.04.930 through 18.04.934 Decodified.

**18.04.025 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the board of accountancy created by RCW 18.04.035.

(2) "Certified public accountant" or "CPA" means a person holding a certified public accountant certificate issued under this chapter or the accountancy act of any state.

(3) "State" includes the states of the United States, the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands.

(4) "Opinions on financial statements" are any reports prepared by certified public accountants, based on examinations in accordance with generally accepted auditing standards as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting.

(5) The "practice of public accounting" means performing services as one skilled in the knowledge and practice of public accounting and preparing reports designated as "audit reports," "review reports," and "compilation reports."

(6) "Firm" means a sole proprietorship, a corporation, or a partnership.

(7) "CPE" means continuing professional education.

(8) "Certificate" means a certificate as a certified public accountant issued under this chapter, or a corresponding certificate issued by another state.

(9) "Licensee" means the holder of a certificate who also holds a valid license issued under this chapter.

(10) "License" means a biennial license issued to an individual or firm under this chapter.

(11) "Quality assurance review" means a study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed.

(12) "Rule" means any rule adopted by the board under authority of this chapter. [1986 c 295 § 1; 1983 c 234 § 3.]

**18.04.035 Board of accountancy—Members—**

**Terms—Vacancies—Removal.** (1) There is created a board of accountancy for the state of Washington to be known as the Washington board of accountancy. The board shall consist of five members appointed by the governor. Members of the board shall include four persons who hold certified public accountant certificates and have been in public practice as certified public accountants in this state continuously for the previous ten years. The fifth member shall be the public member and shall be a person who is qualified to judge whether the qualifications, activities, and professional practice of those regulated under this chapter conform with standards to protect the public interest.

(2) The members of the board of accountancy shall be appointed by the governor to a term of three years. Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of a member's term of office, the member shall continue to serve until a successor has been appointed and has assumed office. The governor shall remove from the board any member whose certificate or license to practice has been revoked or suspended and may, after hearing, remove any member of the board for neglect of duty or other just cause. No person who has served two successive complete terms is eligible for reappointment. Appointment to fill an unexpired term is not considered a complete term. [1986 c 295 § 2; 1983 c 234 § 4.]

**18.04.045 Board—Officers and staff—Compensation—Quorum—Records—Annual report.**

(1) The board shall annually elect a chairman, a vice chairman, and a secretary from its members.

(2) The board may adopt and amend rules under chapter 34.04 RCW for the orderly conduct of its affairs and for the administration of this chapter.

(3) A majority of the board constitutes a quorum for the transaction of business.

(4) The board shall have a seal which shall be judicially noticed.

(5) The board shall keep records of its proceedings, and of any proceeding in court arising from or founded upon this chapter. Copies of these records certified as correct under the seal of the board are admissible in evidence as tending to prove the content of the records.

(6) The board may employ personnel and arrange for assistance as it requires to perform its duties. Individuals

or committees assisting the board under this subsection (6) constitute volunteers for purposes of chapter 4.92 RCW.

(7) Each member of the board shall receive compensation as provided under RCW 18.04.080.

(8) The board shall file an annual report of its activities with the governor. The report shall include, but not be limited to, a statement of all receipts and disbursements. Upon request, the board shall mail a copy of each annual report to any member of the public. [1986 c 295 § 3; 1983 c 234 § 5.]

**18.04.055 Board—Rules.** The board shall prescribe rules consistent with this chapter as necessary to implement this chapter. Included may be:

(1) Rules of procedure to govern the conduct of matters before the board;

(2) Rules of professional conduct to establish and maintain high standards of competence and integrity in the profession;

(3) Educational requirements to set for an examination or for the issuance of the certificate or license of certified public accountant;

(4) Rules designed to ensure that certified public accountants' "opinions on financial statements" meet the definitional requirements for that term as specified in RCW 18.04.025;

(5) Requirements for continuing professional education to maintain or improve the professional competence of certificate and license holders as a condition to maintaining their certificate or license to practice under RCW 18.04.215;

(6) Regulations governing sole proprietors, partnerships, and corporations practicing public accounting including, but not limited to, rules concerning their style, name, title, and affiliation with any other organization, and establishing reasonable practice standards to protect the public interest;

(7) The board may by rule implement a quality assurance review program as a means to monitor licensees' quality of practice and compliance with professional standards. The board may exempt from such program, licensees who undergo periodic peer reviews in programs of the American Institute of Certified Public Accountants, National Association of State Boards of Accountancy, or other programs recognized and approved by the board by rule.

(8) The board may by rule require firms to obtain professional liability insurance if in the board's discretion such insurance provides additional and necessary protection for the public; and

(9) Any other rule which the board finds necessary or appropriate to implement this chapter. [1986 c 295 § 4; 1983 c 234 § 6.]

**18.04.105 Issuance of certificate—Requirements—Examination—Fees—Certified public accountants' account—Prior licensees—Continuing professional education.** (1) The certificate of "certified public accountant" shall be granted by the board to any person:

(a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a certificate because of a lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a notice of the applicant's right of appeal;

(b) Who has met such educational standards established by rule as the board determines to be appropriate; and

(c) Who has passed a written examination in accounting, auditing, and related subjects the board determines to be appropriate.

(2) The examination described in subsection (1)(c) of this section shall be held by the board and shall take place as often as the board determines to be desirable, but at least once a year. The board may use all or any part of the examination or grading service of the American Institute of Certified Public Accountants or National Association of State Boards of Accountancy to assist it in performing its duties under this chapter.

(3) The board may, by rule, provide for granting credit to a person for satisfactory completion of a written examination in any one or more of the subjects specified in subsection (1)(c) of this section given by the licensing authority in any other state. These rules shall include requirements the board determines to be appropriate in order that any examination approved as a basis for any credit shall, in the judgment of the board, be at least as thorough as the most recent examination given by the board at the time credit is granted.

(4) The board may, by rule, prescribe the terms and conditions under which a person who passes the examination in one or more of the subjects indicated in subsection (1)(c) of this section may be reexamined in only the remaining subjects, giving credit for the subjects previously passed. It may also provide by rule for a reasonable waiting period for a person's reexamination in a subject he or she has failed. A person is entitled to any number of reexaminations, subject to this subsection and any other rules adopted by the board.

(5) A person passing the examination in any one or more subjects specified in subsection (1)(c) of this section shall meet the educational requirements of subsection (1)(b) of this section in effect on the date the person successfully completes the requirements of subsection (1)(c) of this section. The board may provide, by rule, for exceptions to prevent what it determines to be undue hardship to applicants.

(6) The board shall charge each applicant an examination fee for the initial examination under subsection (1) of this section, or for reexamination under subsection (4) of this section for each subject in which the applicant is reexamined. The applicable fee shall be paid by the person at the time he or she applies for examination,

reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the board under chapter 18.04 RCW. There is established in the state treasury an account to be known as the certified public accountants' account. All fees received from candidates to take any or all sections of the certified public accountant examination shall be used only for costs related to the examination. All earnings of investments of balances in the certified public accountants' account shall be credited to the general fund.

(7) Persons who on June 30, 1986, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.

(8) Persons who held qualifications as licensed public accountants but who do not hold annual permits to practice on July 1, 1983, are not entitled to engage in the practice of public accounting under this chapter. No person shall use the term "licensed public accountant" or the designation "LPA."

(9) A certificate of a "certified public accountant" under this chapter is issued on a biennial basis with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.

(10) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:

(a) Provide that a certified public accountant holding a certificate on July 1, 1986, shall verify to the board that he or she has completed at least ten days or an accumulation of eighty hours of continuing professional education during the last two-year period to maintain the certificate;

(b) Establish continuing professional education requirements;

(c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education; and

(d) Establish proceedings for revocation, suspension, and reinstatement of certificates for failure to meet the continuing professional education requirement.

(11) Failure to furnish verification of the completion of the continuing professional education requirement constitutes grounds for revocation, suspension, or failure to renew the certificate, unless the board determines that the failure was due to reasonable cause or excusable neglect. [1986 c 295 § 6; 1985 c 57 § 3; 1983 c 234 § 7.]

Effective date—1985 c 57: See note following RCW 15.52.320.

**18.04.185 Nonresidents—Application for certification or biennial license—Secretary of state agent for service of process.** (1) Application for certification as certified public accountants by persons who are not residents of this state constitutes appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicants arising from any transaction, activity, or operation connected with or

incidental to the practice of public accounting in this state by nonresident holders of certified public accountant certificates.

(2) Application for a biennial license to practice public accounting in this state by a certified public accountant or CPA firm who holds a license or permit to practice issued by another state constitutes the appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicant arising from any transaction or operation connected with or incidental to the practice of public accounting in this state by the holder of the biennial license to practice. [1986 c 295 § 7; 1983 c 234 § 8.]

**18.04.195 Biennial license required—Requirements—Application—Fees.** (1) A sole proprietorship engaged in this state in the practice of public accounting shall license biennially with the board as a firm.

(a) The principal purpose and business of the firm shall be to furnish services to the public which are consistent with this chapter and the rules of the board.

(b) The person shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(c) Each resident licensee in charge of an office of the sole proprietorship engaged in this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(2) A partnership engaged in this state in the practice of public accounting shall license biennially with the board as a partnership of certified public accountants, and shall meet the following requirements:

(a) The principal purpose and business of the partnership shall be to furnish services to the public which are consistent with this chapter and the rules of the board;

(b) At least one general partner of the partnership shall be a certified public accountant holding a license to practice under RCW 18.04.215;

(c) Each resident licensee in charge of an office of the partnership in this state and each resident partner personally engaged within this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(3) A corporation organized for the practice of public accounting and engaged in this state in the practice of public accounting shall license biennially with the board as a corporation of certified public accountants and shall meet the following requirements:

(a) The principal purpose and business of the corporation shall be to furnish services to the public which are consistent with this chapter and the rules of the board; and

(b) Each shareholder of the corporation shall be a certified public accountant of some state holding a license to practice and shall be principally employed by the corporation or actively engaged in its business. No other person may have any interest in the stock of the corporation. The principal officer of the corporation and any officer or director having authority over the practice

of public accounting by the corporation shall be a certified public accountant of some state holding a license to practice;

(c) At least one shareholder of the corporation shall be a certified public accountant holding a license to practice under RCW 18.04.215;

(d) Each resident licensee in charge of an office of the corporation in this state and each shareholder or director personally engaged within this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215;

(e) A written agreement shall bind the corporation or its shareholders to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder, and bind any holder not a qualified shareholder to sell the shares to the corporation or its qualified shareholders. The agreement shall be noted on each certificate of corporate stock. The corporation may purchase any amount of its stock for this purpose, notwithstanding any impairment of capital, as long as one share remains outstanding; and

(f) The corporation shall comply with any other rules pertaining to corporations practicing public accounting in this state as the board may prescribe.

(4) Application for a license as a firm shall be made upon the affidavit of the proprietor or person designated as managing partner or shareholder for Washington. This person shall be a certified public accountant holding a license to practice under RCW 18.04.215. The board shall determine in each case whether the applicant is eligible for a license. A partnership or corporation which is licensed to practice under RCW 18.04.215 may use the designation "certified public accountants" or "CPAs" in connection with its partnership or corporate name. The board shall be given notification within ninety days after the admission or withdrawal of a partner or shareholder engaged in this state in the practice of public accounting from any partnership or corporation so licensed.

(5) Fees for the license as a firm and for notification of the board of the admission or withdrawal of a partner or shareholder shall be determined by the board. Fees shall be paid by the firm at the time the license application form or notice of admission or withdrawal of a partner or shareholder is filed with the board. [1986 c 295 § 8; 1983 c 234 § 9.]

**18.04.205 Registration of offices—Requirements—Rules—Fees.** (1) Each office established or maintained in this state for the practice of public accounting in this state by a certified public accountant, or a partnership or corporation of certified public accountants, shall register with the board under this chapter biennially.

(2) Each office shall be under the direct supervision of a resident licensee holding a license to practice under RCW 18.04.215 who may be a sole proprietor, partner, principal shareholder, or a staff employee.

(3) The board shall by rule prescribe the procedure to be followed to register and maintain offices established in this state for the practice of public accounting.

(4) Fees for the registration of offices shall be determined by the board. Fees shall be paid by the applicant at the time the registration form is filed with the board. [1986 c 295 § 9; 1983 c 234 § 10.]

**18.04.215 Biennial license—Issuance—Renewal—Continuing professional education.** (1) Biennial licenses to engage in the practice of public accounting in this state shall be issued by the board:

(a) To holders of certificates as certified public accountants who have demonstrated, in accordance with rules issued by the board, one year of public accounting experience, or such other experience or employment which the board in its discretion regards as substantially equivalent;

(b) To firms under RCW 18.04.195, if all offices of the firm in this state are maintained and registered as required under RCW 18.04.205.

(2) All licenses to practice issued to persons born in an even-numbered year expire on the last day of June of each even-numbered year. All licenses to practice issued to persons born in an odd-numbered year expire on the last day of June of each odd-numbered year. Renewals of licenses to practice issued to individuals under subsection (1) (a) of this section shall be issued in accordance with subsection (4) of this section. Applicants for issuance or renewal of licenses shall, at the time of filing their applications, list with the board all states in which they hold or have applied for permits or licenses to practice.

(3) A certified public accountant who holds a permit or license issued by another state, and applies for a license in this state, may practice in this state from the date of filing a completed application with the board, until the board has acted upon the application.

(4) As a prerequisite to renewal of a license, a person practicing public accounting shall submit to the board satisfactory proof of having completed ten days or an accumulation of eighty hours of continuing education recognized and approved by the board during the preceding two years. Failure to furnish this evidence as required constitutes grounds for revocation, suspension, or refusal to renew the license in a proceeding under RCW 18.04.295, unless the board determines the failure to have been due to reasonable cause or excusable neglect.

The board in its discretion may renew a biennial license to practice despite failure to furnish evidence of compliance with requirements of continuing professional education upon condition that the applicant follow a particular program of continuing professional education. In issuing rules and individual orders with respect to continuing professional education requirements, the board, among other considerations, may rely upon guidelines and pronouncements of recognized educational and professional associations, may prescribe course content, duration, and organization, and may take into account the accessibility of continuing education to applicants and instances of individual hardship.

(5) Fees for biennial licenses to engage in the practice of public accounting in this state shall be determined by

the board under chapter 18.04 RCW. Fees shall be paid by the applicant at the time the application form is filed with the board. The board, by rule, may provide for proration of fees for licenses issued between normal renewal dates. [1986 c 295 § 10; 1983 c 234 § 11.]

**18.04.295 Revocation, suspension, or refusal to renew a license issued to a certified public accountant.** The board of accountancy shall have the power to revoke, suspend, or refuse to renew the license of any certified public accountant for any of the following causes:

(1) Fraud or deceit in obtaining a certificate as a certified public accountant, or in obtaining a license to practice public accounting under RCW 18.04.215;

(2) Dishonesty, fraud, or negligence in the practice of public accounting;

(3) A violation of any provision of this chapter;

(4) A violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter;

(5) Conviction of a crime or an act constituting a crime under:

(a) The laws of this state;

(b) The laws of another state, and which, if committed within this state, would have constituted a crime under the laws of this state; or

(c) Federal law;

(6) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant by any other state for any cause other than failure to pay a fee or to meet the requirements of continuing education in the other state;

(7) Suspension or revocation of the right to practice before any state or federal agency. [1986 c 295 § 11; 1983 c 234 § 12.]

**18.04.305 Revocation, suspension, or refusal to renew license issued to a firm.** The board of accountancy may revoke, suspend, or refuse to renew the license issued to a firm if at any time the firm does not meet the requirements of this chapter for licensing, or for any of the causes enumerated in RCW 18.04.295, or for any of the following additional causes:

(1) The revocation or suspension of the certificate as a certified public accountant or the revocation or suspension or refusal to renew the license of any partner or shareholder; or

(2) The revocation, suspension, or refusal to renew the license or permit of the firm, or any partner or shareholder thereof, to practice public accounting in any other state for any cause other than failure to pay a fee or to meet the requirements of continuing professional education in the other state. [1986 c 295 § 12; 1983 c 234 § 13.]

**18.04.320 Proceedings for refusal, revocation, or suspension of certificate or license.** In the case of the refusal, revocation, or suspension of a certificate or a license by the board under the provisions of this chapter, such proceedings and any appeal therefrom shall be taken in accordance with the administrative procedure

act, chapter 34.04 RCW. [1986 c 295 § 13; 1983 c 234 § 14; 1949 c 226 § 31; Rem. Supp. 1949 § 8269-38.]

**18.04.335 Reissuance of certificate—Reissuance or modification of suspension of license.** Upon application in writing and after hearing pursuant to notice, the board may:

(1) Reissue a certificate to a certified public accountant whose certificate has been revoked or suspended; or

(2) Modify the suspension of or reissue any license to practice which has been revoked, suspended, or which the board has refused to renew. [1986 c 295 § 14; 1983 c 234 § 15.]

**18.04.345 Prohibited practices.** (1) No person may hold himself or herself out to the public, or assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant or CPA unless the person has received a certificate as a certified public accountant, holds a valid license to practice under RCW 18.04.215, and all of the person's offices in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(2) No firm may hold itself out to the public, or assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the firm is composed of certified public accountants or CPAs, unless the firm is licensed under RCW 18.04.195, holds a valid license to practice under RCW 18.04.215, and all offices of the firm in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(3) No person, partnership, or corporation may hold himself, herself, or itself out to the public, or assume or use along, or in connection with his, hers, or its name, or any other name the title or designation "certified accountant," "chartered accountant," "licensed accountant," "public accountant," or any other title or designation likely to be confused with "certified public accountant" or any of the abbreviations "CA," "LA," or "PA," or similar abbreviations likely to be confused with "CPA." However, nothing in this chapter prohibits use of the title "accountant" by any person regardless of whether the person has been granted a certificate or holds a license under this chapter.

(4) No person may sign, affix, or associate his or her name or any trade or assumed name used by the person in his or her business to any report designated as an "audit," "review," or "compilation," unless the person holds a biennial license to practice under RCW 18.04.215 and all of the person's offices in this state for the practice of public accounting are maintained and licensed under RCW 18.04.205.

(5) No person may sign, affix, or associate a firm name to any report designated as an "audit," "review," or "compilation," unless the firm is licensed under RCW 18.04.195 and 18.04.215, and all of its offices in this

state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(6) No person, partnership, or corporation not holding a license to practice under RCW 18.04.215 may hold himself, herself, or itself out to the public as an "auditor" with or without any other description or designation by use of such word on any sign, card, letterhead, or in any advertisement or directory.

(7) Nothing contained in this chapter prohibits any person who is the holder of a valid certified public accountant certificate from assuming or using the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, sign, card, or device tending to indicate that the person is a certified public accountant.

(8) No person may assume or use the designation "certified public accountant" or "CPA" in conjunction with names indicating or implying that there is a partnership or corporation, if there is in fact no bona fide partnership or corporation registered under RCW 18.04.195.

(9) No person, partnership, or corporation holding a license under RCW 18.04.215 may hold himself, herself, or itself out to the public in conjunction with the designation "and Associates" or "and Assoc." unless he or she has in fact a partner or employee who holds a license under RCW 18.04.215.

(10) No person, partnership, or corporation may hold himself, herself, or itself out to the public for the practice of public accounting unless the person, partnership, or corporation holds a license to practice under RCW 18.04.215 and all of his or its offices in this state are maintained and registered under RCW 18.04.205. [1986 c 295 § 15; 1983 c 234 § 16.]

**18.04.350 Practices not prohibited.** (1) Nothing in this chapter prohibits any person not a certified public accountant from serving as an employee of, or as assistant to, a certified public accountant or partnership composed of certified public accountants or corporation of certified public accountants holding a valid license under RCW 18.04.215. However, the employee or assistant shall not issue any accounting or financial statement over his or her name.

(2) Nothing in this chapter prohibits a certified public accountant registered in another state, or any accountant of a foreign country holding a certificate, degree or license which permits him to practice therein from temporarily practicing in this state on professional business incident to his regular practice.

(3) Nothing in this chapter prohibits a certified public accountant, a partnership, or corporation of certified public accountants, or any of their employees from disclosing any data in confidence to other certified public accountants, peer review teams, partnerships, or corporations of public accountants engaged in conducting peer reviews, or any one of their employees in connection with peer reviews of that accountant's accounting and auditing practice conducted under the auspices of recognized professional associations.

(4) Nothing in this chapter prohibits a certified public accountant, a partnership, or corporation of certified public accountants, or any of their employees from disclosing any data in confidence to any employee, representative, officer, or committee member of a recognized professional association, or to the board of accountancy, or any of its employees or committees in connection with a professional investigation held under the auspices of recognized professional associations or the board of accountancy.

(5) Nothing in this chapter prohibits any officer, employee, partner, or principal of any organization:

(a) From affixing his or her signature to any statement or report in reference to the affairs of the organization with any wording designating the position, title, or office which he or she holds in the organization; or

(b) From describing himself or herself by the position, title, or office he or she holds in such organization.

(6) Nothing in this chapter prohibits any person, or partnership or corporation composed of persons not holding a license under RCW 18.04.215 from offering or rendering to the public bookkeeping, accounting, and tax services, including devising and installing systems, financial information or data, or preparing financial statements, written statements describing how such financial statements were prepared, or similar services, provided that persons, partnerships, or corporations not holding a license under RCW 18.04.215 who offer or render these services do not designate any written statement as an "audit report," "review report," or "compilation report," do not issue any written statement which purports to express or disclaim an opinion on financial statements which have been audited, and do not issue any written statement which expresses assurance on financial statements which have been reviewed.

(7) Nothing in this chapter prohibits any act of or the use of any words by a public official or a public employee in the performance of his or her duties. [1986 c 295 § 16; 1983 c 234 § 17; 1969 c 114 § 7; 1949 c 226 § 34; Rem. Supp. 1949 § 8269-41.]

**18.04.380 Advertising falsely—Effect.** The display or presentation by a person of a card, sign, advertisement, or other printed, engraved or written instrument or device, bearing a person's name in conjunction with the words "certified public accountant" or any abbreviation thereof, or "licensed public accountant" or any abbreviation thereof, or "public accountant" or any abbreviation thereof, shall be prima facie evidence in any action brought under this chapter that the person whose name is so displayed, caused or procured the display or presentation of the card, sign, advertisement, or other printed, engraved, or written instrument or device, and that the person is holding himself or herself out to be a certified public accountant or a public accountant holding a license to practice under this chapter. In any such action, evidence of the commission of a single act prohibited by this chapter is sufficient to justify an injunction or a conviction without evidence of a general course of conduct. [1986 c 295 § 17; 1983 c 234 § 20; 1949 c 226 § 37; Rem. Supp. 1949 § 8269-44.]

*False advertising: Chapter 9.04 RCW.*

**18.04.390 Papers, records, schedules, etc., property of the accountant—Prohibited practices—Rights of client.** (1) In the absence of an express agreement between the certified public accountant and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a certified public accountant incident to or in the course of professional service to clients, except reports submitted by a certified public accountant to a client, are the property of the certified public accountant.

(2) No statement, record, schedule, working paper, or memorandum may be sold, transferred, or bequeathed without the consent of the client or his or her personal representative or assignee, to anyone other than one or more surviving partners, shareholders, or new partners or new shareholders of the accountant or corporation, or any combined or merged partnership or corporation, or successor in interest.

(3) A licensee shall furnish to his or her client or former client, upon request and reasonable notice:

(a) A copy of the licensee's working papers, to the extent that such working papers include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account; the licensee may make and retain copies of such documents of the client when they form the basis for work done by him or her. [1986 c 295 § 18; 1983 c 234 § 21; 1949 c 226 § 38; Rem. Supp. 1949 § 8269-45.]

**18.04.405 Confidential information—Disclosure, when—Subpoenas.** (1) A certified public accountant, a partnership or corporation of certified public accountants, or any of their employees shall not disclose any confidential information obtained in the course of a professional transaction except with the consent of the client or former client or as disclosure may be required by law, legal process, the standards of the profession, or as disclosure of confidential information is permitted by RCW 18.04.350 (3) and (4) in connection with peer reviews and investigations.

(2) This section shall not be construed as limiting the authority of this state or of the United States or an agency of this state or of the United States to subpoena and use such information in connection with any investigation, public hearing, or other proceeding, nor shall this section be construed as prohibiting a certified public accountant whose professional competence has been challenged in a court of law or before an administrative agency from disclosing confidential information as a part of a defense to the court action or administrative proceeding. [1986 c 295 § 19; 1983 c 234 § 23.]

**18.04.901 Severability.** 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. [1986 c 295 § 20; 1983 c 234 § 34.]

**18.04.911 Effective date—1986 c 295.** 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, 1986, except as provided in this section. \*Section 5 of this act shall not become effective if sections 90(1) and 4 of Engrossed Substitute House Bill No. 1758 become law. [1986 c 295 § 24.]

\*Reviser's note: Section 5 of this act was vetoed by the governor.

**18.04.920 Short title.** This chapter may be cited as the public accountancy act. [1986 c 295 § 22; 1983 c 234 § 1.]

**18.04.930 through 18.04.934 Decodified.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

## Chapter 18.11 AUCTIONEERS

Sections	
18.11.050	Definitions.
18.11.060	Administration of chapter—Fees.
18.11.070	License required—Exceptions.
18.11.080	Repealed.
18.11.085	Auctioneer certificate of registration—Requirements.
18.11.090	Repealed.
18.11.095	Auction company certificate of registration—Requirements.
18.11.100	Nonresident auctioneers and auction companies.
18.11.110	Repealed.
18.11.120	Repealed.
18.11.121	Surety bond or security required.
18.11.130	Written contract required—Penalty.
18.11.140	Written records required—Penalty.
18.11.150	Display of certificate of registration or renewal card required—Penalty.
18.11.160	Denial, suspension, or revocation of license—Grounds.
18.11.170	Unauthorized practice—Penalties.
18.11.180	Compensation of nonlicensed person by licensee grounds for license suspension or revocation—Penalty.
18.11.190	Actions for compensation for services.
18.11.200	Director—Authority to adopt rules.
18.11.205	Director—Authority to impose administrative fines.
18.11.210	Newspaper advertisements—Auctioneer's or auction company's name and license number required—Penalty.
18.11.220	Rights of clients.
18.11.230	Trust account required for client funds.
18.11.240	Bidding—Prohibited practices—Penalty.
18.11.250	Limitation on real estate auctions.
18.11.260	Application of consumer protection act.
18.11.900	Repealed.
18.11.901	Short title.
18.11.902	Severability.
18.11.903	Effective date—1986 c 324.
18.11.910	Repealed.

**18.11.050 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Auctioneer" means an individual who calls bids at an auction.

(2) "Auction" means a transaction conducted by means of exchanges between an auctioneer and the members of his or her audience, constituting a series of invitations for offers for the purchase of goods or real property made by the auctioneer, offers by members of the audience, and the acceptance of the highest or most favorable offer.

(3) "Auction mart" means any fixed or established place designed, intended, or used for the conduct of auctions.

(4) "Auction company" means a sole proprietorship, partnership, corporation, or other legal or commercial entity that sells or offers to sell goods or real estate at auction or arranges, sponsors, or manages auctions. The term "auction company" shall exclude any sole proprietorship owned by an auctioneer licensed under this chapter whose gross annual sales do not exceed twenty-five thousand dollars.

(5) "Department" means the department of licensing.

(6) "Director" means the director of licensing.

(7) "Person" means an individual, partnership, association, corporation, or any other form of business enterprise.

(8) "Goods" mean wares, chattels, merchandise, or personal property owned or consigned, which may be lawfully kept or offered for sale.

(9) "License" means state authority to operate as an auctioneer or auction company, which authority is conferred by issuance of a certificate of registration subject to annual renewal.

(10) "Licensee" means an auctioneer or auction company registered under this chapter. [1986 c 324 § 2; 1982 c 205 § 5.]

**18.11.060 Administration of chapter—Fees.** This chapter shall be administered under chapter 43.24 RCW. The director shall set registration and renewal fees in accordance with RCW 43.24.086. If an auctioneer or auction company does not renew a license before it expires, the renewal shall be subject to payment of a penalty fee. [1986 c 324 § 3; 1982 c 205 § 2.]

**18.11.070 License required—Exceptions.** (1) It is unlawful for any person to act as an auctioneer or for an auction company to engage in any business in this state without a license.

(2) This chapter does not apply to:

(a) An auction of goods conducted by an individual who personally owns those goods and who did not acquire those goods for resale;

(b) An auction conducted by or under the direction of a public authority;

(c) An auction held under judicial order in the settlement of a decedent's estate;

(d) An auction which is required by law to be at auction;

(e) An auction conducted by or on behalf of a political organization or a charitable corporation or association if the person conducting the sale receives no compensation; or

(f) An auction of livestock or agricultural products which is conducted under chapter 16.65 or 20.01 RCW. Auctions not regulated under chapter 16.65 or 20.01 RCW shall be fully subject to the provisions of this chapter. [1986 c 324 § 4; 1982 c 205 § 6.]

**18.11.080 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.11.085 Auctioneer certificate of registration—Requirements.** Every individual, before acting as an auctioneer, shall obtain an auctioneer certificate of registration. To be licensed as an auctioneer, an individual shall meet all of the following requirements:

(1) Be at least eighteen years of age or sponsored by a licensed auctioneer.

(2) File with the department a completed application on a form prescribed by the director.

(3) Show that the proper tax registration certificate required by RCW 82.32.030 has been obtained from the department of revenue.

(4) Pay the auctioneer registration fee required under the agency rules adopted pursuant to this chapter.

(5) File with the department an auctioneer surety bond in the amount and form required by RCW 18.11.121 and the agency rules adopted pursuant to this chapter.

(6) Have no disqualifications under RCW 18.11.160. [1986 c 324 § 5.]

**18.11.090 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.11.095 Auction company certificate of registration—Requirements.** Every person, before operating an auction company as defined in RCW 18.11.050, shall obtain an auction company certificate of registration. To be licensed as an auction company, a person shall meet all of the following requirements:

(1) File with the department a completed application on a form prescribed by the director.

(2) Sign a notarized statement included on the application form that all auctioneers hired by the auction company to do business in the state shall be properly registered under this chapter.

(3) Show that the proper tax registration certificate required by RCW 82.32.030 has been obtained from the department of revenue.

(4) Pay the auction company registration fee required under the agency rules adopted pursuant to this chapter.

(5) File with the department an auction company surety bond in the amount and form required by RCW 18.11.121 and the agency rules adopted pursuant to this chapter.

(6) Have no disqualifications under RCW 18.11.160. [1986 c 324 § 6.]

**18.11.100 Nonresident auctioneers and auction companies.** (1) Nonresident auctioneers and auction companies are required to comply with the provisions of this chapter and the rules of the department as a condition of conducting business in the state.

(2) The application of a nonresident under this chapter shall constitute the appointment of the secretary of state as the applicant's agent upon whom process may be served in any action or proceeding against the applicant arising out of a transaction or operation connected with or incidental to the business of an auctioneer or an auction company. [1986 c 324 § 7; 1985 c 7 § 9; 1982 c 205 § 8.]

**18.11.110 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.11.120 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.11.121 Surety bond or security required.** (1) Each auctioneer and each auction company shall as a condition to the granting and retention of a license have on file with the department an approved surety bond or other security in lieu of a bond. The bond or other security of an auctioneer shall be in the amount of five thousand dollars.

(2) The bond or other security of an auction company shall be in an amount not less than five thousand dollars and not more than twenty-five thousand dollars. The amount shall be based on the value of the goods and real estate sold at auctions conducted, supervised, arranged, sponsored, or managed by the auction company during the previous calendar year or, for a new auction company, the estimated value of the goods and real estate to be sold at auction during the current calendar year. The director shall establish by rule the procedures to be used for determining the amount of auction company bonds or other security.

(3) In lieu of a surety bond, an auctioneer or auction company may deposit with the department any of the following:

(a) Savings accounts assigned to the director;

(b) Certificates of deposit payable to the director;

(c) Investment certificates or share accounts assigned to the director; or

(d) Any other security acceptable to the director.

All obligations and remedies relating to surety bonds authorized by this section shall apply to deposits filed with the director.

(4) Each bond shall comply with all of the following:

(a) Be executed by the person seeking the license as principal and by a corporate surety licensed to do business in the state;

(b) Be payable to the state;

(c) Be conditioned on compliance with all provisions of this chapter and the agency rules adopted pursuant to this chapter, including payment of any administrative fines assessed against the licensee; and

(d) Remain in effect for one year after expiration, revocation, or suspension of the license.

(5) If any licensee fails or is alleged to have failed to comply with the provisions of this chapter or the agency rules adopted pursuant to this chapter, the director may hold a hearing in accordance with chapter 34.04 RCW, determine those persons who are proven claimants under the bond, and, if appropriate, distribute the bond proceeds to the proven claimants. The state or an injured person may also bring an action against the bond in superior court. The liability of the surety shall be only for actual damages and shall not exceed the amount of the bond.

(6) Damages that exceed the amount of the bond may be remedied by actions against the auctioneer or the auction company under RCW 18.11.260 or other available remedies at law. [1986 c 324 § 8.]

**18.11.130 Written contract required—Penalty.** No goods or real estate shall be sold at auction until the auctioneer or auction company has entered into a written contract or agreement with the owner or consignor in duplicate which contains the terms and conditions upon which the licensee receives or accepts the property for sale at auction.

A person who violates this section shall be subject to an administrative fine in a sum not exceeding five hundred dollars for each violation. [1986 c 324 § 9; 1982 c 205 § 11.]

**18.11.140 Written records required—Penalty.** Every person engaged in the business of selling goods or real estate at auction shall keep written records for a period of three years available for inspection which indicate clearly the name and address of the owner or consignor of the goods or real estate, the terms of acceptance and sale, and a copy of the signed written contract required by RCW 18.11.130. A person who violates this section shall be subject to an administrative fine in a sum not exceeding five hundred dollars for each violation. [1986 c 324 § 10; 1982 c 205 § 12.]

**18.11.150 Display of certificate of registration or renewal card required—Penalty.** All auctioneers and auction companies shall have their certificates of registration prominently displayed in their offices and the current renewal card or a facsimile available on demand at all auctions conducted or supervised by the licensee.

A person who violates this section shall be subject to an administrative fine in a sum not exceeding one hundred dollars for each violation. [1986 c 324 § 11; 1982 c 205 § 13.]

**18.11.160 Denial, suspension, or revocation of license—Grounds.** (1) No license shall be issued by the department to any person who has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy, fraud, theft, receiving stolen goods, unlawful issuance of checks or drafts, or other similar offense, or to any partnership of which the person is a member, or to any association or corporation of which the person is an officer or in which

as a stockholder the person has or exercises a controlling interest either directly or indirectly.

(2) The following shall be grounds for denial, suspension, or revocation of a license, or imposition of an administrative fine by the department:

(a) Misrepresentation or concealment of material facts in obtaining a license;

(b) Underreporting to the department of sales figures so that the auctioneer or auction company surety bond is in a lower amount than required by law;

(c) Revocation of a license by another state;

(d) Misleading or false advertising;

(e) A pattern of substantial misrepresentations related to auctioneering or auction company business;

(f) Failure to cooperate with the department in any investigation or disciplinary action;

(g) Nonpayment of an administrative fine prior to renewal of a license;

(h) Aiding an unlicensed person to practice as an auctioneer or as an auction company; and

(i) Any other violations of this chapter. [1986 c 324 § 12; 1982 c 205 § 14.]

**18.11.170 Unauthorized practice—Penalties.** Any auctioneer and any auction company that conducts business within this state without a license or after the suspension or revocation of his or her license shall be fined by the department five hundred dollars for the first offense and one thousand dollars for the second or subsequent offense. [1986 c 324 § 13; 1982 c 205 § 15.]

**18.11.180 Compensation of nonlicensed person by licensee grounds for license suspension or revocation—Penalty.** It shall be unlawful for a licensed auctioneer or licensed auction company to pay compensation in money or otherwise to anyone not licensed under this chapter to render any service or to do any act forbidden under this chapter to be rendered or performed except by licensees. The department shall fine any person who violates this section five hundred dollars for the first offense and one thousand dollars for the second or subsequent offense. Furthermore, the violation of this section by any licensee shall be, in the discretion of the department, sufficient cause for license suspension or revocation. [1986 c 324 § 14; 1982 c 205 § 16.]

**18.11.190 Actions for compensation for services.** No action or suit may be instituted in any court of this state by any person, partnership, association, or corporation not licensed as an auctioneer and as an auction company to recover compensation for an act done or service rendered which is prohibited under this chapter. [1986 c 324 § 15; 1982 c 205 § 17.]

**18.11.200 Director—Authority to adopt rules.** The director shall adopt rules for the purpose of carrying out and developing this chapter, including rules governing the conduct of investigations and inspections and the imposition of administrative penalties. [1986 c 324 § 16; 1982 c 205 § 18.]

**18.11.205 Director—Authority to impose administrative fines.** The director shall impose and collect the administrative fines authorized by this chapter. Any administrative fine imposed under this chapter or the agency rules adopted pursuant to this chapter may be appealed under chapter 34.04 RCW, the administrative procedure act. Assessment of an administrative fine shall not preclude the initiation of any disciplinary, civil, or criminal action for the same or similar violations. [1986 c 324 § 17.]

**18.11.210 Newspaper advertisements—Auctioneer's or auction company's name and license number required—Penalty.** All newspaper advertising regarding auctions that is purchased by an auctioneer or an auction company licensed under this chapter shall include the auctioneer's or auction company's name and license number. Any auctioneer or auction company that violates this section is subject to an administrative fine of one hundred dollars per violation. [1986 c 324 § 19; 1984 c 189 § 1.]

**18.11.220 Rights of clients.** The client of an auctioneer or auction company has a right to (1) an accounting for any money that the auctioneer or auction company receives from the sale of the client's goods, and (2) payment of all money due to the client within twenty-one calendar days unless the parties have mutually agreed in writing to another time of payment. [1986 c 324 § 20.]

**18.11.230 Trust account required for client funds.** Auction proceeds due to the client that are received by the auctioneer or auction company and not paid to the client within twenty-four hours of the sale shall be deposited by the auctioneer or auction company in a trust account for the client in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in the state. The auctioneer or auction company shall draw on the trust account only to pay proceeds to the client, or such other persons who are legally entitled to such proceeds, and to obtain the sums due to the auctioneer or auction company for services as set out in the written contract required under RCW 18.11.130. Funds in the trust account shall not be subject to the debt of the auctioneer or auction company and shall not be used for personal reasons or other business reasons. [1986 c 324 § 21.]

**18.11.240 Bidding—Prohibited practices—Penalty.** The following requirements shall apply to bidding at auctions:

(1) An auctioneer conducting an auction and an auction company where an auction is being held shall not bid on or offer to buy any goods or real property at the auction unless the auctioneer or the auction company discloses the name of the person on whose behalf the bid or offer is being made.

(2) An auctioneer and an auction company shall not use any method of bidding at an auction that will allow

goods or real property to be purchased in an undisclosed manner on behalf of the auctioneer or auction company.

(3) At a public auction conducted or supervised by an auctioneer or auction company, the auctioneer or auction company shall not fictitiously raise any bid, knowingly permit any person to make a fictitious bid, or employ or use another person to act as a bidder or buyer.

(4) All goods or real property offered for sale at an auction shall be subject to a reserve or a confirmation from the owner or consignor unless otherwise indicated by the auctioneer or auction company. Except as provided in this subsection, an auctioneer or auction company shall not use any method of bidding at an auction that allows the auctioneer or auction company to avoid selling any property offered for sale at auction.

(5) A licensee who violates any provision of this section shall be subject to an administrative fine in a sum not exceeding five hundred dollars for each violation. [1986 c 324 § 22.]

**18.11.250 Limitation on real estate auctions.** Auctioneers and auction companies may call for bids on real estate but only persons licensed under chapter 18.85 RCW may perform activities regulated under that chapter. [1986 c 324 § 23.]

**18.11.260 Application of consumer protection act.** A violation of this chapter is hereby declared to affect the public interest and to offend public policy. Any violation, act, or practice by an auctioneer or auction company which is unfair or deceptive, shall constitute an unfair or deceptive act or practice in violation of RCW 19.86.020. The remedies and sanctions provided in this section shall not preclude application of other available remedies and sanctions. [1986 c 324 § 25.]

**18.11.900 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.11.901 Short title.** This chapter may be known and cited as the "auctioneer registration act." [1986 c 324 § 1.]

**18.11.902 Severability.** 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. [1986 c 324 § 27.]

**18.11.903 Effective date—1986 c 324.** This act shall take effect on July 1, 1986. [1986 c 324 § 29.]

**18.11.910 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

## Chapter 18.12

### AUCTIONS OF JEWELRY OR APPLIANCES

Sections

18.12.010 through 18.12.200 Repealed.

18.12.900 Repealed.

**18.12.010 through 18.12.200 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.12.900 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

## Chapter 18.20 BOARDING HOMES

### Sections

18.20.130 Fire protection—Duties of director of community development.

**18.20.130 Fire protection—Duties of director of community development.** Standards for fire protection and the enforcement thereof, with respect to all boarding homes to be licensed hereunder, shall be the responsibility of the director of community development, through the director of fire protection, who shall adopt such recognized standards as may be applicable to boarding homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the director of community development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the director of community development, through the director of fire protection, or his or her deputy, shall make an inspection of the boarding home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the director of community development, through the director of fire protection, he or she shall promptly make a written report to the boarding home and the department or authorized department as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, authorized department, applicant or licensee shall notify the director of community development, through the director of fire protection, upon completion of any requirements made by him or her, and the director of community development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the boarding home to be licensed meets with the approval of the director of community development, through the director of fire protection, he or she shall submit to the department or authorized department, a written report approving same with respect to fire protection before a full license can be issued. The director of community development, through the director of fire protection, shall make or cause to be made inspections of such homes at least annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the director of community development, through the director

of fire protection, to be equal to the minimum standards of the code for boarding homes adopted by the director of community development, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the director of community development, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued. [1986 c 266 § 81; 1957 c 253 § 13.]

**Severability—1986 c 266:** See note following RCW 38.52.005.  
*State fire protection: Chapter 48.48 RCW.*

## Chapter 18.22 PODIATRY

### Sections

18.22.015	Board—Duties—Rules.
18.22.016	Repealed.
18.22.017	Repealed.
18.22.018	Application of uniform disciplinary act.
18.22.020	Repealed.
18.22.141	Repealed.
18.22.151	Repealed.
18.22.215	Repealed.

**18.22.015 Board—Duties—Rules.** The board shall:

- (1) Administer all laws placed under its jurisdiction;
- (2) Prepare, grade, and administer or determine the nature, grading, and administration of examinations for applicants for podiatrist licenses;
- (3) Examine and investigate all applicants for podiatrist licenses and certify to the director all applicants it judges to be properly qualified.

The board may adopt any rules which it considers necessary or proper to carry out the purposes of this chapter. [1986 c 259 § 18; 1982 c 21 § 10.]

**Severability—1986 c 259:** See note following RCW 18.130.010.  
*Director of licensing or director's designee ex officio member of health professional licensure and disciplinary boards: RCW 43.24.015.*

**18.22.016 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.22.017 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.22.018 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter. [1986 c 259 § 17.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.22.020 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.22.141 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.22.151 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.22.215 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

## Chapter 18.25 CHIROPRACTIC

### Sections

18.25.010	Repealed.
18.25.017	Board—Organization, meetings, rules, compensation, travel expenses.
18.25.018	Repealed.
18.25.019	Application of uniform disciplinary act.
18.25.050	Revocation or refusal of licenses—Hearing—Restoration.
18.25.090	Use of credentials in written materials—Chapter not applicable to treatment by prayer.

**18.25.010 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.25.017 Board—Organization, meetings, rules, compensation, travel expenses.** The board shall meet as soon as practicable after appointment, and shall elect a chairman and a secretary from its members. Meetings shall be held at least once a year at such place as the director of licensing shall determine, and at such other times and places as he deems necessary.

The board may make such rules and regulations, not inconsistent with this chapter, as it deems necessary to carry out the provisions of this chapter.

Each member shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060, all to be paid out of the general fund on vouchers approved by the director, but not to exceed in the aggregate the amount of fees collected as provided in this chapter. [1986 c 259 § 23; 1984 c 287 § 27; 1975-'76 2nd ex.s. c 34 § 32; 1974 ex.s. c 97 § 8; 1959 c 53 § 2.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**Legislative findings—Severability—Effective date—1984 c 287:** See notes following RCW 43.03.220.

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

**Severability—1974 ex.s. c 97:** See note following RCW 18.25.120.

**18.25.018 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.25.019 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses under this chapter. [1986 c 259 § 21.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.25.050 Revocation or refusal of licenses—Hearing—Restoration.**

**Reviser's note:** RCW 18.25.050 was repealed during the 1986 legislative session without reference to its amendment during the 1985 legislative session. It has been decodified for publication purposes

pursuant to RCW 1.12.025. See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.25.090 Use of credentials in written materials—Chapter not applicable to treatment by prayer.** On all cards, books, papers, signs or other written or printed means of giving information to the public, used by those licensed by this chapter to practice chiropractic, the practitioner shall use after or below his name the term chiropractor or D.C.Ph.C. designating his line of drugless practice, and shall not use the letters M.D. or D.O.: *Provided*, That the word doctor or "Dr." may be used only in conjunction with the word "chiropractic" or "chiropractor". Nothing in this chapter shall be held to apply to or to regulate any kind of treatment by prayer. [1986 c 259 § 24; 1981 c 277 § 3; 1971 ex.s. c 227 § 7; 1919 c 5 § 15; RRS § 10109.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

## Chapter 18.26 CHIROPRACTIC DISCIPLINARY BOARD

### Sections

18.26.027	Repealed.
18.26.028	Application of uniform disciplinary act.
18.26.030	"Unprofessional conduct".
18.26.035	Repealed.
18.26.037	Repealed.
18.26.100	Repealed.
18.26.110	Rules.
18.26.120	through 18.26.310 Repealed.

**18.26.027 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.26.028 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the discipline of licensees under this chapter. [1986 c 259 § 22.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.26.030 "Unprofessional conduct".** (1) In addition to those acts defined in chapter 18.130 RCW, the term "unprofessional conduct" as used in this chapter and chapter 18.25 RCW includes failing to differentiate chiropractic care from any and all other methods of healing at all times.

(2) Proceedings involving alleged unprofessional conduct shall be conducted by the attorney general upon the direction of the board. [1986 c 259 § 25; 1979 ex.s. c 111 § 17; 1975 1st ex.s. c 39 § 1; 1974 ex.s. c 97 § 12; 1967 c 171 § 3.]

**Sunset Act application:** See note following chapter digest.

**Savings—1986 c 259 §§ 25, 29:** "The amendment of RCW 18.26.030 and the repeal of RCW 18.26.035 and 18.26.037 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 30.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**Severability—1979 ex.s. c 111:** See note following RCW 18.72.060.

**Severability—1975 1st 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." [1975 1st ex.s. c 39 § 10.]

**Severability—1974 ex.s. c 97:** See note following RCW 18.25.120.

**Violation of chapter 69.50 RCW, the Uniform Controlled Substances Act—Suspension of license:** RCW 69.50.413.

**18.26.035 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.26.037 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.26.100 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.26.110 Rules.** The board may adopt, amend and rescind such rules and regulations as it deems necessary to carry out the provisions of this chapter. [1986 c 259 § 26; 1975 1st ex.s. c 39 § 2; 1967 c 171 § 11.]

**Sunset Act application:** See note following chapter digest.

**Severability—1986 c 259:** See note following RCW 18.130.010.

**Severability—1975 1st ex.s. c 39:** See note following RCW 18.26.030.

**18.26.120 through 18.26.310 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

(b) Offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended; or

(c) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor.

(3) All misdemeanor actions under this chapter shall be prosecuted in the county where the infraction occurs. [1986 c 197 § 1; 1983 1st ex.s. c 2 § 17; 1973 1st ex.s. c 153 § 2; 1963 c 77 § 2.]

**Effective date—1983 1st ex.s. c 2:** See note following RCW 18.27.200.

**18.27.110 Construction building permits—Cities, towns or counties prohibited from issuing without verification of registration.** No city, town or county shall issue a construction building permit for work which is to be done by any contractor required to be registered under chapter 77, Laws of 1963 and chapter 18.27 RCW without verification that such contractor is currently registered as required by law. When such verification is made, nothing contained in this section is intended to be, nor shall be construed to create, or form the basis for any liability under this chapter on the part of any city, town or county, or its officers, employees or agents. [1986 c 197 § 14; 1967 c 126 § 4.]

**18.27.125 Director to adopt rules.** The director shall adopt rules in compliance with chapter 34.04 RCW to effect the purposes of this chapter. [1986 c 197 § 12.]

**18.27.210 Violations—Investigations—Evidence.** The director shall appoint compliance inspectors to investigate alleged or apparent violations of this chapter. If the name of the contractor allegedly or apparently in violation of this chapter is not known, or if the name of the contractor does not appear on the latest list of registered contractors compiled under RCW 18.27.120(1), upon presentation of credentials, a compliance inspector of the department may inspect sites at which a contractor had bid or presently is working to determine whether the contractor is registered in accordance with this chapter. Upon request of the compliance inspector of the department, a contractor or an employee of the contractor shall provide information identifying the contractor. If the employee of an unregistered contractor is cited by a compliance inspector, that employee is cited as the agent of the employer-contractor, and issuance of the infraction to the employee is notice to the employer-contractor that the contractor is in violation of this chapter. An employee who is cited by a compliance inspector shall not be liable for any of the alleged violations contained in the citation unless the employee is also the contractor. [1986 c 197 § 2; 1983 1st ex.s. c 2 § 2.]

**Effective date—1983 1st ex.s. c 2:** See note following RCW 18.27.200.

**18.27.230 Notice of infraction—Service.** The department may issue a notice of infraction if the department reasonably believes that the contractor required to be registered by this chapter has failed to do so. A notice

Chapter 18.27

REGISTRATION OF CONTRACTORS

Sections

18.27.020	Registration required—Prohibited acts—Criminal penalty.
18.27.110	Construction building permits—Cities, towns or counties prohibited from issuing without verification of registration.
18.27.125	Director to adopt rules.
18.27.210	Violations—Investigations—Evidence.
18.27.230	Notice of infraction—Service.
18.27.240	Notice of infraction—Form—Contents.
18.27.250	Notice of infraction—Filing—Administrative hearing—Appeal.
18.27.270	Notice of infraction—Response—Failure to respond, appear, or pay monetary penalties.
18.27.300	Representation by attorney—Department represented by attorney general.
18.27.310	Infraction—Administrative hearing—Procedure—Burden of proof—Order—Appeal.
18.27.320	Infraction—Dismissal, when.
18.27.330	Repealed.
18.27.340	Infraction—Monetary penalty.
18.27.350	Violations—Consumer protection act.

**18.27.020 Registration required—Prohibited acts—Criminal penalty.** (1) Every contractor shall register with the department.

(2) It is a misdemeanor for any contractor having knowledge of the registration requirements of this chapter to:

(a) Offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;

of infraction issued under this section shall be personally served on the contractor named in the notice by the department's compliance inspectors or service can be made by certified mail directed to the contractor named in the notice of infraction. If the contractor named in the notice of infraction is a firm or corporation, the notice may be personally served on any employee of the firm or corporation. If a notice of infraction is personally served upon an employee of a firm or corporation, the department shall within four days of service send a copy of the notice by certified mail to the contractor if the department is able to obtain the contractor's address. [1986 c 197 § 3; 1983 1st ex.s. c 2 § 3.]

**Effective date**—1983 1st ex.s. c 2: See note following RCW 18.27.200.

**18.27.240 Notice of infraction—Form—Contents.** The form of the notice of infraction issued under this chapter shall include the following:

(1) A statement that the notice represents a determination that the infraction has been committed by the contractor named in the notice and that the determination shall be final unless contested as provided in this chapter;

(2) A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

(3) A statement of the specific violation which necessitated issuance of the infraction;

(4) A statement of penalty involved if the infraction is established;

(5) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(6) A statement that at any hearing to contest the notice of infraction the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the contractor may subpoena witnesses, including the compliance inspector of the department who issued and served the notice of infraction;

(7) A statement, which the person who has been served with the notice of infraction shall sign, that the contractor promises to respond to the notice of infraction in one of the ways provided in this chapter;

(8) A statement that refusal to sign the infraction as directed in subsection (7) of this section is a misdemeanor and may be punished by a fine or imprisonment in jail; and

(9) A statement that a contractor's failure to respond to a notice of infraction as promised is a misdemeanor and may be punished by a fine or imprisonment in jail. [1986 c 197 § 4; 1983 1st ex.s. c 2 § 5.]

**Effective date**—1983 1st ex.s. c 2: See note following RCW 18.27.200.

**18.27.250 Notice of infraction—Filing—Administrative hearing—Appeal.** A violation designated as an infraction under this chapter shall be heard and determined by an administrative law judge of the office of administrative hearings. If a party desires to contest the notice of infraction, the party shall file a notice of

appeal with the department, within twenty days of issuance of the infraction. The administrative law judge shall conduct hearings in these cases at locations in the county where the infraction occurred. [1986 c 197 § 5; 1983 1st ex.s. c 2 § 4.]

**Effective date**—1983 1st ex.s. c 2: See note following RCW 18.27.200.

**18.27.270 Notice of infraction—Response—Failure to respond, appear, or pay monetary penalties.** (1) A contractor who is issued a notice of infraction shall respond within twenty days of the date of issuance of the notice of infraction.

(2) If the contractor named in the notice of infraction does not elect to contest the notice of infraction, then the contractor shall pay to the department, by check or money order, the amount of the penalty prescribed for the infraction. When a response which does not contest the notice of infraction is received by the department with the appropriate penalty, the department shall make the appropriate entry in its records.

(3) If the contractor named in the notice of infraction elects to contest the notice of infraction, the contractor shall respond by filing an answer of protest with the department specifying the grounds of protest.

(4) If any contractor issued a notice of infraction fails to respond within the prescribed response period, the contractor shall be guilty of a misdemeanor and prosecuted in the county where the infraction occurred.

(5) After final determination by an administrative law judge that an infraction has been committed, a contractor who fails to pay a monetary penalty within thirty days, that is not waived, reduced, or suspended pursuant to RCW 18.27.340(2), and who fails to file an appeal pursuant to RCW 18.27.310(4), shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred.

(6) A contractor who fails to pay a monetary penalty within thirty days after exhausting appellate remedies pursuant to RCW 18.27.310(4), shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred. [1986 c 197 § 6; 1983 1st ex.s. c 2 § 7.]

**Effective date**—1983 1st ex.s. c 2: See note following RCW 18.27.200.

**18.27.300 Representation by attorney—Department represented by attorney general.** A contractor subject to proceedings under this chapter may appear or be represented by counsel. The department shall be represented by the attorney general in administrative proceedings and any subsequent appeals under this chapter. [1986 c 197 § 7; 1983 1st ex.s. c 2 § 8.]

**Effective date**—1983 1st ex.s. c 2: See note following RCW 18.27.200.

**18.27.310 Infraction—Administrative hearing—Procedure—Burden of proof—Order—Appeal.** (1) The administrative law judge shall conduct contractors' notice of infraction cases pursuant to chapter 34.04 RCW.



(2) The burden of proof is on the department to establish the commission of the infraction by a preponderance of the evidence. The notice of infraction shall be dismissed if the defendant establishes that, at the time the notice was issued, the defendant was registered by the department or was exempt from registration.

(3) After consideration of the evidence and argument, the administrative law judge shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the record of the proceedings. If it has been established that the infraction was committed, the administrative law judge shall issue findings of fact and conclusions of law in its decision and order determining whether the infraction was committed.

(4) An appeal from the administrative law judge's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure. [1986 c 197 § 8; 1983 1st ex.s. c 2 § 9.]

**Effective date**—1983 1st ex.s. c 2: See note following RCW 18.27.200.

**18.27.320 Infraction—Dismissal, when.** The administrative law judge shall dismiss the notice of infraction at any time upon written notification from the department that the contractor named in the notice of infraction was registered at the time the notice of infraction was issued. [1986 c 197 § 9; 1983 1st ex.s. c 2 § 13.]

**Effective date**—1983 1st ex.s. c 2: See note following RCW 18.27.200.

**18.27.330 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.27.340 Infraction—Monetary penalty.** (1) A contractor found to have committed an infraction under RCW 18.27.200 shall be assessed a monetary penalty of not less than two hundred dollars and not more than three thousand dollars.

(2) The administrative law judge may waive, reduce, or suspend the monetary penalty imposed for the infraction only upon a showing of good cause that the penalty would be unduly burdensome to the contractor.

(3) Monetary penalties collected under this chapter shall be deposited in the general fund. [1986 c 197 § 10; 1983 1st ex.s. c 2 § 15.]

**Effective date**—1983 1st ex.s. c 2: See note following RCW 18.27.200.

**18.27.350 Violations—Consumer protection act.** The consumers of this state have a right to be protected from unfair or deceptive acts or practices when they enter into contracts with contractors. The fact that a contractor is found to have committed a misdemeanor or infraction under this chapter shall be deemed to affect the public interest and shall constitute a violation of chapter 19.86 RCW. The surety bond shall not be liable

for monetary penalties or violations of chapter 19.86 RCW. [1986 c 197 § 11.]

## Chapter 18.29 DENTAL HYGIENIST

### Sections

18.29.010	Repealed.
18.29.075	Repealed.
18.29.076	Application of uniform disciplinary act.
18.29.080	Repealed.
18.29.090	Repealed.

**18.29.010 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.29.075 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.29.076 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter. [1986 c 259 § 31.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.29.080 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.29.090 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

## Chapter 18.32 DENTISTRY

### Sections

18.32.038	Repealed.
18.32.039	Application of uniform disciplinary act.
18.32.055	Repealed.
18.32.080	Repealed.
18.32.085	Dental disciplinary board—Supervision of records.
18.32.090	Repealed.
18.32.230	Repealed.
18.32.290	Advertising—False—Credit terms.
18.32.360	Names used—Advertising—Penalty.
18.32.380	Repealed.
18.32.390	Penalty—General.
18.32.500	Short title.
18.32.520	Definitions.
18.32.530	"Unprofessional conduct".
18.32.535	through 18.32.550 Repealed.
18.32.630	Repealed.
18.32.640	Rules.
18.32.650	through 18.32.780 Repealed.

**18.32.038 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.32.039 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter. [1986 c 259 § 34.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.32.055 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.32.080 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.32.085 Dental disciplinary board—Supervision of records.** The dental disciplinary board has the power and it shall be its duty to:

(1) Require licensed dentists to keep and maintain a copy of each laboratory referral instruction, describing detailed services rendered, for a period to be determined by the board but not more than three years, and to require the production of all such records for examination by the board or its authorized representatives; and

(2) Promulgate reasonable rules and regulations requiring licensed dentists to make, maintain and produce for examination by the board or its authorized representatives such other records as may be reasonable and proper in the performance of its duties and enforcing the provisions of this chapter. [1986 c 259 § 35; 1953 c 93 § 8.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.32.090 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.32.230 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.32.290 Advertising—False—Credit terms.** It shall be unlawful for any person, firm or corporation to publish, directly or indirectly, or circulate any fraudulent, false or misleading statements within the state of Washington as to the skill or method of practice of any person or operator; or in any way to advertise in print any matter with a view of deceiving the public, or in any way that will tend to deceive or defraud the public; or to claim superiority over neighboring dental practitioners; or to publish reports of cases or certificates of same in any public advertising media; or to advertise as using any anesthetic, drug, formula, medicine, which is either falsely advertised or misnamed; or to employ "capper" or "steerers" to obtain patronage; and any person committing any offense against any of the provisions of this section shall, upon conviction, be subjected to such penalties as are provided in this chapter: *Provided*, That any person licensed under this chapter may announce credit, terms of credit or installment payments that may be made at periodical intervals to apply on account of any dental service rendered. The dental disciplinary board may adopt such rules as are necessary to carry out the intent of this section. [1986 c 259 § 36; 1935 c 112 § 20; RRS § 10031-20.]

**Savings—1986 c 259 §§ 36, 37, 41, 43:** "The repeal of RCW 18.32.090 and 18.32.550 and the amendment of RCW 18.32.290, 18.32.360, and 18.32.530 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 44.]

**Severability—1986 c 259:** See note following RCW 18.130.010.  
*False advertising:* RCW 9.04.010.

**18.32.360 Names used—Advertising—Penalty.** Any advertisement or announcement for dental services must include for each office location advertised the names of all persons practicing dentistry at that office location.

Any violation of the provisions of this section shall constitute improper, unprofessional and dishonorable conduct; it shall also constitute grounds for injunction proceedings as provided by RCW 18.130.190(2), and in addition shall constitute a gross misdemeanor. [1986 c 259 § 37; 1957 c 52 § 39. Prior: 1937 c 45 § 1, part; 1935 c 112 § 18, part; RRS § 10031-18, part.]

**Savings—1986 c 259 §§ 36, 37, 41, 43:** See note following RCW 18.32.290.

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.32.380 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.32.390 Penalty—General.** Any person who violates any of the provisions of the chapter for which no specific penalty has been provided herein, shall be subject to prosecution before any court of competent jurisdiction, and shall, upon conviction, be guilty of a gross misdemeanor. [1986 c 259 § 38; 1935 c 112 § 16; RRS § 10031-16. Prior: 1901 c 152 § 4; 1893 c 55 § 8.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.32.500 Short title.** RCW 18.32.510 through 18.32.620 shall be known and may be cited as the "Dental Disciplinary Board Act". [1986 c 259 § 39; 1977 ex.s. c 5 § 37.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.32.520 Definitions.** Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout RCW 18.32.510 through 18.32.620.

(1) "Board" means the dental disciplinary board created in RCW 18.32.560.

(2) "License" means a certificate or license to practice dentistry in this state as provided for in this chapter.

(3) "Member" means member of the dental disciplinary board.

(4) "Secretary" means the secretary of the dental disciplinary board.

(5) "Director" means the director of licensing of the state of Washington.

(6) "To practice dentistry" means to engage in the practice of dentistry as defined in RCW 18.32.020. [1986 c 259 § 40; 1979 c 158 § 36; 1977 ex.s. c 5 § 2.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.32.530 "Unprofessional conduct".** In addition to those acts defined in chapter 18.130 RCW, the term "unprofessional conduct" as used in RCW 18.32.530 through 18.32.620 includes gross, wilful, or continued

overcharging for professional services. [1986 c 259 § 41; 1977 ex.s. c 5 § 3.]

**Savings**—1986 c 259 §§ 36, 37, 41, 43: See note following RCW 18.32.290.

**Severability**—1986 c 259: See note following RCW 18.130.010.

*Violation of chapter 69.50 RCW, the Uniform Controlled Substances Act—Suspension of license: RCW 69.50.413.*

**18.32.535 through 18.32.550 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.32.630 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.32.640 Rules.** The board may adopt, amend, and rescind such rules as it deems necessary to carry out this chapter. [1986 c 259 § 42; 1977 ex.s. c 5 § 14.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.32.650 through 18.32.780 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

#### Chapter 18.34 DISPENSING OPTICIANS

##### Sections

18.34.090	Repealed.
18.34.100	Repealed.
18.34.135	Repealed.
18.34.136	Application of uniform disciplinary act.
18.34.140	Repealed.
18.34.150	Repealed.

**18.34.090 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.34.100 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.34.135 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.34.136 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter. [1986 c 259 § 45.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.34.140 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.34.150 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

#### Chapter 18.35 HEARING AIDS

##### Sections

18.35.173 Repealed.

**18.35.173 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

#### Chapter 18.36 DRUGLESS HEALING

##### Sections

18.36.010	Definitions—Purpose.
18.36.020	"Separate and coordinate system".
18.36.030	Exemptions.
18.36.040	License required—Fee—Qualifications—Examinations.
18.36.050	Examination regulations—Fee—Credits—Conduct of examinations.
18.36.060	Forms of certificates to practice—Affidavit of good character and diploma.
18.36.130	Applicability of health regulations.
18.36.135	Repealed.
18.36.136	Application of uniform disciplinary act.
18.36.140	Repealed.
18.36.150	Repealed.

**18.36.010 Definitions—Purpose.** The term "drugless therapeutics," as used in this chapter consists of hydrotherapy, dietetics, electrotherapy, radiography, sanitation, suggestion, mechanical and manual manipulation for the stimulation of physiological and psychological action to establish a normal condition of mind and body, including the use of severance and penetration of the skin for purposes only of withdrawing blood samples for diagnostic purposes (venipuncture), but shall in no way include the giving, prescribing or recommending of pharmaceutical drugs and poisons for internal use, the purpose of this chapter being to confine practitioners under this chapter to drugless therapeutics. The legislative budget committee shall specifically study the appropriateness of venipuncture within this definition pursuant to the sunset review process provided for in chapter 43.131 RCW. A person shall be considered as practicing within the meaning of this chapter if the person uses, prescribes, directs, or recommends any drugless treatment for the relief of a wound, fracture, bodily injury, or disease, either mental or physical.

The words "certificate" and "license" shall be interchangeable terms in this chapter, but nothing in this section affects the definitions of these terms in chapter 18.120 RCW. [1986 c 259 § 50; 1985 c 131 § 1; 1919 c 36 § 13; RRS § 10123.]

**Reviser's note:** This section was amended by 1986 c 259 § 50 without reference to its amendment by 1985 c 131 § 1. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2).

**Sunset Act application:** See note following chapter digest.

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.36.020 "Separate and coordinate system".** The term "separate and coordinate system" as used in this chapter is defined as follows:

**Food science.** Is the science of treating disease through the chemical action of foods, water, nonmedicinal herbs, roots, barks and all natural food elements other than pharmaceutical drugs and poisons, to bring about a normal condition of health.

**Mechano-therapy.** Is a system of therapeutics which enables the practitioner to know how to apply scientifically the mechanics of hydrotherapy, dietetics, circumstances, idea and manual manipulation for the stimulation of psycho and physiological action to establish a normal condition of the body.

**Suggestive therapeutics.** Is a system of healing which enables the practitioner to know how to offer suggestions that will cause the mind of the patient to overcome the disease of the body and bringing mind and body into harmony, and both into harmony with environment.

**Physcultopathy.** Is a system of healing which enables the practitioner to know the scientific effect of movements on the body and how to direct a system of mechanical gymnastics that restore the diseased parts or functions to a normal condition. [1986 c 259 § 51; 1919 c 36 § 12; RRS § 10122.]

**Sunset Act application:** See note following chapter digest.

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.36.030 Exemptions.** Nothing in this chapter shall be construed as to prohibit service in the case of emergency, or the domestic administration of families' remedies, nor shall this chapter apply to any commissioned health officer in the United States army, navy or marine hospital service, in discharge of his official duties, nor to any licensed dentist when engaged exclusively in the practice of dentistry, nor to any duly licensed physician in the practice of medicine, or surgery, nor to a person duly licensed to practice osteopathy, from using or recommending drugless methods of healing in the course of their practice, nor shall this apply to any practitioner from any other state who visits this state in response to a call to treat a particular patient: *Provided*, such practitioner shall not open an office or appoint a place of meeting patients within the limits of this state, nor shall this chapter be construed to discriminate against any particular school of drugless therapeutics or to interfere in any way with the practice of religion: *Provided*, also that nothing in this chapter shall be held to apply to, or regulate any kind of treatment by prayer. [1986 c 259 § 52; 1919 c 36 § 8; RRS § 10118. FORMER PART OF SECTION: 1919 c 36 § 10, part, now codified in RCW 18.36.140.]

**Sunset Act application:** See note following chapter digest.

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.36.040 License required—Fee—Qualifications—Examinations.** Only persons desiring to practice drugless therapeutics in this state shall apply to said director for a license and pay a fee determined by the director as provided in RCW 43.24.086, which sum in no case shall be refunded. If at a time appointed, or at

the next regular examination, he or she shall prove he or she has completed a residence course of three entire sessions of thirty-six weeks each at a chartered drugless school, the entrance requirements of which was a high school education, or its equivalent and shall pass an examination in the following subjects, to wit: anatomy, physiology, hygiene, symptomatology, urinalysis, dietetics, hydrotherapy, radiography, electrotherapy, gynecology, obstetrics, psychology, mechanical and manual manipulation, they shall be granted a license by said director, or if the school attendance of said applicant was prior to the passage of RCW 18.36.010 a diploma from a chartered drugless school, the entrance requirements of which was a common school education or its equivalent, and two years continuous practice in this state shall suffice; or if the applicant has no diploma but has been in continuous practice in any of the drugless systems herein mentioned for the past four years, two years of which shall have been in continuous practice in one place in this state, he or she shall be allowed to practice: *Provided*, said applicant shall take an examination on the following subjects: anatomy, physiology, hygiene, symptomatology, mechanical and manual manipulation. After such examination the director shall grant the applicant a license to practice drugless therapeutics in the state of Washington. The examinations shall be both scientific and practical and thoroughly test the fitness of the candidate. All answers to questions peculiar to any school of therapeutics shall be scrutinized and their sufficiency passed upon by the director, but the following subjects, to wit: anatomy, physiology, hygiene, urinalysis, and gynecology, shall be construed to be in common with all systems herein mentioned, and each candidate shall be examined in each of said subjects: *Provided*, after 1921, the following subjects shall be construed as common to all systems, to wit: anatomy, physiology, hygiene, urinalysis, symptomatology, hydrotherapy, and gynecology.

Continuous practice as herein provided shall be construed to apply to drugless physicians who have actually been practicing in this state, even if they have not received a license under the present medical laws. [1986 c 259 § 53; 1985 c 7 § 34; 1975 1st ex.s. c 30 § 39; 1919 c 36 § 3; RRS § 10113. Formerly RCW 18.36.040, 18.36.050, part, 18.36.080, 18.36.090, part, and 18.36.160.]

**Reviser's note:** This section was amended by 1986 c 259 § 53 without reference to its amendment by 1985 c 7 § 34. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2).

**Sunset Act application:** See note following chapter digest.

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.36.050 Examination regulations—Fee—Credits—Conduct of examinations.** The examination held by the director under this chapter shall be conducted in accordance with the following regulations:

(1) Each applicant is required to make an affidavit setting forth his age, place of residence, time and place of each course of lectures, or other work connected with his drugless education and the date of graduation, or

length of time in practice. The affidavit must be corroborated by the exhibition of a certificate from the proper officers of the college, showing that the applicant had completed the prescribed course for graduation. No advance standing shall be recognized for work done at other than drugless colleges.

(2) A fee determined by the director as provided in RCW 43.24.086 must accompany the application. This fee is under no consideration to be returned, but if the applicant should fail to secure an average of sixty-five percent, and should be denied a license, such applicant shall, without paying a further fee and without losing his classification under this chapter, be permitted to take another examination any time within two years. Drugless practitioners who hold a diploma from a legally incorporated drugless school who have practiced in this state two years previous to the passing of RCW 18.36.010 and those having no diploma but who have been in continuous practice in this state for three years, shall be given a credit of fifteen percent on the general average.

(3) The examination shall be in charge of the director, and the papers of candidates shall be known by numbers which shall be arranged as follows: Envelopes shall be numbered and each containing a blank corresponding to the number, on which blank the applicant shall write his name and address, and return to the envelope, sealed by the applicant, and delivered to the director. Each candidate shall place on his paper the number given him and the year of graduation.

(4) The director shall examine the papers and place the mark opposite each candidate's number. When the markings are completed, the envelopes containing the names are to be opened and the names placed opposite their respective numbers.

(5) No dishonest methods will be tolerated, and any candidate disregarding these rules shall be debarred from further examination.

(6) Each subject for examination shall be covered by ten questions, and two hours' time shall be allowed for each subject.

(7) No candidate shall be allowed to leave the examination room after the question papers have been distributed, until the questions are answered and delivered to the examiners in charge.

(8) All examinations shall be in English. Within twenty days after a license is granted or refused, the reasons shall be set forth in writing and placed with the papers used in the examination, and all of said examination papers shall be filed with the director within thirty days after said license has been granted or refused. [1986 c 259 § 54; 1985 c 7 § 35; 1975 1st ex.s. c 30 § 40; 1919 c 36 § 11; RRS § 10121. Formerly RCW 18.36.050, 18.36.070 and 18.36.090. FORMER PART OF SECTION: 1919 c 36 § 3, part, now codified in RCW 18.36.040.]

**Reviser's note:** This section was amended by 1986 c 259 § 54 without reference to its amendment by 1985 c 7 § 35. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2).

**Sunset Act application:** See note following chapter digest.

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.36.060 Forms of certificates to practice—Affidavit of good character and diploma.** The following forms of certificates shall be issued by the director:

(1) A certificate authorizing the holder thereof to practice mechanotherapy;

(2) A certificate authorizing the holder thereof to practice suggestive therapeutics;

(3) A certificate authorizing the holder thereof to practice food science;

(4) A certificate authorizing the holder thereof to practice physcultopathy;

(5) A certificate for any other separate and coordinate system of drugless practice: *Provided*, they shall show evidence of not less than fifty graduates, practicing in this state, whose requirements shall be no less than as set forth in this chapter. Practitioners hereunder shall confine their practice to the subjects and system or systems represented by their certificate or certificates granted by said director. The applicant for an examination must file satisfactory testimonials of good moral character and a diploma issued by some legally chartered drugless college, or satisfactory evidence of having possessed such diploma, except as herein otherwise provided, and must fill out a blank application to be sworn to before some person authorized to take acknowledgments, showing that he or she is the person named in the diploma, is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination, without fraud or misrepresentation. The said application shall be made on a blank furnished by said director, and shall contain such other information concerning the instruction and preliminary education of the applicant as said director may by rule adopt. [1986 c 259 § 55; 1919 c 36 § 4; RRS § 10114. Formerly RCW 18.36.060 and 18.36.100.]

**Sunset Act application:** See note following chapter digest.

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.36.130 Applicability of health regulations.** All persons granted licenses or certificates under this chapter shall be subject to the state and municipal regulations, relating to the control of contagious diseases, the reporting and certifying of births and deaths, and all matters pertaining to public health; and all such reports shall be accepted as legal. [1986 c 259 § 56; 1919 c 36 § 7; RRS § 10117.]

**Sunset Act application:** See note following chapter digest.

**Severability—1986 c 259:** See note following RCW 18.130.010.

*Public health and safety: Title 70 RCW.*

*Vital statistics: Chapter 70.58 RCW.*

**18.36.135 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.36.136 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter. [1986 c 259 § 49.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.36.140 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.36.150 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 18.39

#### EMBALMERS—FUNERAL DIRECTORS

##### Sections

18.39.130	Licenses—Applicants from other states.
18.39.145	Funeral establishment license—Issuance—Requirements—Transferability—Expiration.
18.39.148	Funeral establishment license—Cancellation for not having funeral director or embalmer in employ—Hearing.
18.39.150	License lapse—Reinstatement—Fee—Reexamination.
18.39.175	Board of funeral directors and embalmers—Duties and responsibilities—Compensation—Travel expenses—Disciplinary proceedings.
18.39.176	Repealed.
18.39.178	Application of uniform disciplinary act.
18.39.179	Repealed.
18.39.181	Powers and duties of director.
18.39.223	Repealed.
18.39.225	Repealed.
18.39.231	Certain relationships and financial dealings or advice between funeral directors and their clients prohibited—Exceptions—Rules—Penalty.
18.39.260	Prearrangement funeral service contracts—Certificates of registration required.
18.39.280	Prearrangement funeral service contracts—Application for original certificate of registration.
18.39.290	Prearrangement funeral service contracts—Certificates of registration—Renewal—Fees—Disposition.
18.39.300	Prearrangement funeral service contracts—Grounds for disciplinary action.
18.39.310	Repealed.
18.39.320	Prearrangement funeral service contracts—Annual statement of financial condition—Effect of failure to file.
18.39.330	Prearrangement funeral service contract forms—Approval required—Grounds for disapproval.
18.39.340	Repealed.
18.39.910	Repealed.

**18.39.130 Licenses—Applicants from other states.** The board may recognize licenses issued to funeral directors or embalmers from other states if the applicant's qualifications are comparable to the requirements of this chapter. Upon presentation of the license and payment by the holder of a fee determined under RCW 43.24-.086, the board may issue a funeral director's or embalmer's license under this chapter. The license may be renewed annually upon payment of the renewal license fee as herein provided by license holders residing in the state of Washington. [1986 c 259 § 60; 1985 c 7 § 39; 1982 c 66 § 22; 1981 c 43 § 8; 1975 1st ex.s. c 30 § 44; 1937 c 108 § 15; RRS § 8325. Prior: 1909 c 215 § 16.]

**Reviser's note:** This section was amended by 1986 c 259 § 60 without reference to its amendment by 1985 c 7 § 39. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2).

**Severability—1986 c 259:** See note following RCW 18.130.010.

**Effective dates—1982 c 66:** See note following RCW 18.39.240.

**18.39.145 Funeral establishment license—Issuance—Requirements—Transferability—Expiration.** The board shall issue a funeral establishment license to any person, partnership, association, corporation, or other organization to operate a funeral establishment, at specific locations only, which has met the following requirements:

(1) The applicant has designated the name under which the funeral establishment will operate and has designated locations for which the general establishment license is to be issued;

(2) The applicant is licensed in this state as a funeral director and as an embalmer, or employs at least one person with both such qualifications or one licensed funeral director and one embalmer who will be in service at each designated location;

(3) The applicant has filed an application with the director as required by this chapter and paid the required filing fee therefor as fixed by the director pursuant to RCW 43.24.086;

(4) As a condition of applying for a new funeral establishment license, the person or entity desiring to acquire such ownership or control shall be bound by all then existing prearrangement funeral service contracts.

The board may deny an application for a funeral establishment license, or issue a conditional license, if disciplinary action has previously been taken against the applicant or the applicant's designated funeral director or embalmer. No funeral establishment license shall be transferable, but an applicant may make application for more than one funeral establishment license so long as all of the requirements are met for each license. All funeral establishment licenses shall expire on June 30, or as otherwise determined by the director. [1986 c 259 § 61; 1985 c 7 § 40; 1977 ex.s. c 93 § 3.]

**Reviser's note:** This section was amended by 1986 c 259 § 61 without reference to its amendment by 1985 c 7 § 40. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2).

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.39.148 Funeral establishment license—Cancellation for not having funeral director or embalmer in employ—Hearing.** If a licensed funeral establishment does not have a licensed funeral director and embalmer in its employ at its place of business, its license shall be canceled immediately by the board. Upon notification of cancellation of a funeral establishment license, the funeral establishment shall be notified of the opportunity for a hearing, which shall be conducted pursuant to chapter 34.04 RCW. [1986 c 259 § 62; 1981 c 43 § 9; 1977 ex.s. c 93 § 4.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.39.150 License lapse—Reinstatement—Fee—Reexamination.** Any licensed funeral director or embalmer whose license has lapsed shall reapply for a license and pay a fee as determined under RCW 43.24-.086 before the license may be issued. Applications under this section shall be made within one year after the expiration of the previous license. If the application is

not made within one year, the applicant shall be required to take an examination or submit other satisfactory proof of continued competency approved by the board and pay the license fee, as required by this chapter in the case of initial applications, together with all unpaid license fees and penalties. [1986 c 259 § 63; 1985 c 7 § 41; 1981 c 43 § 10; 1975 1st ex.s. c 30 § 45; 1937 c 108 § 8; RRS § 8320.]

**Reviser's note:** This section was amended by 1986 c 259 § 63 without reference to its amendment by 1985 c 7 § 41. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2).

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.39.175 Board of funeral directors and embalmers—Duties and responsibilities—Compensation—Travel expenses—Disciplinary proceedings.** Each member of the board of funeral directors and embalmers shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in connection with board duties in accordance with RCW 43.03.050 and 43.03.060.

The state board of funeral directors and embalmers shall have the following duties and responsibilities:

(1) To be responsible for the preparation, conducting, and grading of examinations of applicants for funeral director and embalmer licenses;

(2) To certify to the director the results of examinations of applicants and certify the applicant as having "passed" or "failed";

(3) To make findings and recommendations to the director on any and all matters relating to the enforcement of this chapter;

(4) To adopt, promulgate, and enforce reasonable rules. Rules regulating the cremation of human remains and establishing fees and permit requirements shall be adopted in consultation with the cemetery board; and

(5) To examine or audit or to direct the examination and audit of prearrangement funeral service trust fund records for compliance with this chapter and rules adopted by the board.

(6) To conduct disciplinary proceedings under chapter 18.130 RCW if the licensee has violated that chapter or has committed unprofessional conduct, which includes:

(a) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether the solicitation occurs after death or while death is impending. This chapter does not prohibit general advertising or the sale of pre-need funeral plans;

(b) Employment by the licensee of persons known as "cappers," "steerers," or "solicitors" or other persons to obtain funeral directing or embalming business;

(c) Employment directly or indirectly of any person for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;

(d) The buying of business by the licensee, his agents, assistants or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, his agents, assistants, or employees, for the purpose of securing business;

(e) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum, or cemetery;

(f) Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of a dead human body without the written consent of next of kin;

(g) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care, or transportation of dead human bodies;

(h) Refusing to promptly surrender the custody of a dead human body upon the express order of the person lawfully entitled to its custody;

(i) Selling, or offering for sale, a share, certificate, or an interest in the business of any funeral director or embalmer, or in any corporation, firm, or association owning or operating a funeral establishment, which promises or purports to give to purchasers a right to the services of the funeral director, embalmer, or corporation, firm, or association at a charge or cost less than that offered or given to the public; or

(j) Knowingly concealing information concerning a violation of this chapter;

(7) To adopt rules establishing mandatory continuing education requirements to be met by persons applying for license renewal. [1986 c 259 § 64; 1985 c 402 § 6; 1984 c 287 § 34; 1984 c 279 § 53; 1981 c 43 § 11; 1977 ex.s. c 93 § 9.]

**Reviser's note:** This section was amended by 1986 c 259 § 64 without reference to its amendment by 1985 c 402 § 6. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2).

**Savings—1986 c 259 §§ 64, 73:** "The repeal of RCW 18.39.179 and the amendment of RCW 18.39.175 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 74.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**Legislative finding—1985 c 402:** See note following RCW 68.08.165.

**Legislative findings—Severability—Effective date—1984 c 287:** See notes following RCW 43.03.220.

**Severability—1984 c 279:** See RCW 18.130.901.

**18.39.176 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.39.178 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter. [1986 c 259 § 59.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.39.179 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.39.181 Powers and duties of director.** The director shall have the following powers and duties:

(1) To issue all licenses provided for under this chapter;

(2) To annually renew licenses under this chapter;

(3) To collect all fees prescribed and required under this chapter; and

(4) To keep general books of record of all official acts, proceedings, and transactions of the department of licensing while acting under this chapter. [1986 c 259 § 65; 1981 c 43 § 13; 1977 ex.s. c 93 § 5.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.39.223 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.39.225 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.39.231 Certain relationships and financial dealings or advice between funeral directors and their clients prohibited—Exceptions—Rules—Penalty.** A funeral director or any person under the supervision of a funeral director shall not, in conjunction with any professional services performed for compensation under this chapter, provide financial or investment advice to any person other than a family member, represent any person in a real estate transaction, or act as an agent under a power of attorney for any person. However, this section shall not be deemed to prohibit a funeral establishment from entering into prearrangement funeral service contracts in accordance with this chapter or to prohibit a funeral director from providing advice about government or insurance benefits.

A violation of this section is a gross misdemeanor and is grounds for disciplinary action.

The board shall adopt such rules as the board deems reasonably necessary to prevent unethical financial dealings between funeral directors and their clients. [1986 c 259 § 66; 1982 c 66 § 15.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**Effective dates**—1982 c 66: See note following RCW 18.39.240.

**18.39.260 Prearrangement funeral service contracts—Certificates of registration required.** A funeral establishment shall not enter into prearrangement funeral service contracts in this state unless the funeral establishment has obtained a certificate of registration issued by the board and such certificate is then in force.

Certificates of registration shall be maintained by funeral establishments until all prearrangement contract obligations have been fulfilled. The funeral establishment shall comply with all requirements related to the sale of prearrangement contracts until all obligations have been fulfilled. [1986 c 259 § 67; 1982 c 66 § 4.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**Effective dates**—Transfer of records, files, and pending business—Savings—1982 c 66: See notes following RCW 18.39.240.

**18.39.280 Prearrangement funeral service contracts—Application for original certificate of registration.** To apply for an original certificate of registration, a funeral establishment must:

- (1) File with the board its request showing:
  - (a) Its name, location, and organization date;

(b) The kinds of funeral business it proposes to transact;

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

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

(2) Deposit with the director the fees required by this chapter to be paid for filing the accompanying documents, and for the certificate of registration, if granted. [1986 c 259 § 68; 1982 c 66 § 7.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**Effective dates**—Transfer of records, files, and pending business—Savings—1982 c 66: See notes following RCW 18.39.240.

**Fees:** RCW 18.39.290.

**18.39.290 Prearrangement funeral service contracts—Certificates of registration—Renewal—Fees—Disposition.** All certificates of registration issued pursuant to this chapter shall continue in force until the expiration date unless suspended or revoked. A certificate shall be subject to renewal annually ninety days after the end of its fiscal year, as stated on the original application, by the funeral establishment and payment of the required fees.

The director shall determine and collect fees related to certificate of registration licensure.

All fees so collected shall be remitted by the director to the state treasurer not later than the first business day following receipt of such funds and the funds shall be credited to the health professions account. [1986 c 259 § 69; 1982 c 66 § 8.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**Effective dates**—Transfer of records, files, and pending business—Savings—1982 c 66: See notes following RCW 18.39.240.

**18.39.300 Prearrangement funeral service contracts—Grounds for disciplinary action.** In addition to the grounds for action set forth in RCW 18.130.170 and 18.130.180, the board may take the disciplinary action set forth in RCW 18.130.160 against the funeral establishment's license, the license of any funeral director and/or the funeral establishment's certificate of registration, if the licensee or registrant:

(1) Fails to comply with any provisions of this chapter, chapter 18.130 RCW, or any proper order or regulation of the board;

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

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

(4) Is found by the board after investigation or receipt of reliable information to be managed by persons who are incompetent or untrustworthy or so lacking in managerial experience as to make the proposed or continued operation hazardous to purchasers, beneficiaries, or to the public. [1986 c 259 § 70; 1982 c 66 § 6.]



**Severability**—1986 c 259: See note following RCW 18.130.010.  
**Effective dates**—**Transfer of records, files, and pending business**—**Savings**—1982 c 66: See notes following RCW 18.39.240.

**18.39.310 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.39.320 Prearrangement funeral service contracts—Annual statement of financial condition—Effect of failure to file.** (1) Each authorized funeral establishment shall annually, at the time of its registration renewal, file with the board a true and accurate statement of its financial condition, transactions, and affairs for its preceding fiscal year. The statement shall be on such forms and shall contain such information as required by this chapter and by the board.

(2) The board shall take disciplinary action against the certificate of registration of any funeral establishment which fails to file its annual statement when due or after any extension of time which the board has, for good cause, granted. [1986 c 259 § 71; 1982 c 66 § 10.]

**Severability**—1986 c 259: See note following RCW 18.130.010.  
**Effective dates**—**Transfer of records, files, and pending business**—**Savings**—1982 c 66: See notes following RCW 18.39.240.

**18.39.330 Prearrangement funeral service contract forms—Approval required—Grounds for disapproval.** No prearrangement funeral contract forms shall be used without the prior approval of the board.

The board shall disapprove any such contract form, or withdraw prior approval, when such form:

- (1) Violates or does not comply with this chapter;
- (2) Contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the merchandise or service purported to be provided in the general coverage of the contract;
- (3) Has any title, heading, or other part of its provisions which is misleading; or
- (4) Is being solicited by deceptive advertising. [1986 c 259 § 72; 1982 c 66 § 11.]

**Severability**—1986 c 259: See note following RCW 18.130.010.  
**Effective dates**—**Transfer of records, files, and pending business**—**Savings**—1982 c 66: See notes following RCW 18.39.240.

**18.39.340 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.39.910 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.43.030 Board of registration—Members—Terms—Qualifications—Compensation and travel expenses.** A state board of registration for professional engineers and land surveyors is hereby created which shall exercise all of the powers and perform all of the duties conferred upon it by this chapter. After July 9, 1986, the board shall consist of seven members, who shall be appointed by the governor and shall have the qualifications as hereinafter required. The terms of board members in office on June 11, 1986, shall not be affected. The first additional member shall be appointed for a four-year term and the second additional member shall be appointed for a three-year term. On the expiration of the term of any member, the governor shall appoint a successor for a term of five years to take the place of the member whose term on said board is about to expire. However, no member shall serve more than two consecutive terms on the board. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified.

Five members of the board shall be registered professional engineers licensed under the provisions of this chapter. Two members shall be registered professional land surveyors licensed under this chapter. Each of the members of the board shall have been actively engaged in the practice of engineering or land surveying for at least ten years subsequent to registration, five of which shall have been immediately prior to their appointment to the board.

Each member of the board shall be a citizen of the United States and shall have been a resident of this state for at least five years immediately preceding his appointment.

Each member of the board shall be compensated in accordance with RCW 43.03.240 and, in addition thereto, shall be reimbursed for travel expenses incurred in carrying out the provisions of this chapter in accordance with RCW 43.03.050 and 43.03.060.

The governor may remove any member of the board for misconduct, incompetency, or neglect of duty. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor as hereinabove provided. [1986 c 102 § 1; 1984 c 287 § 35; 1975-'76 2nd ex.s. c 34 § 37; 1947 c 283 § 3; Rem. Supp. 1947 § 8306-23.]

**Legislative findings**—**Severability**—**Effective date**—1984 c 287: See notes following RCW 43.03.220.

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

**18.43.035 Bylaws—Employees—Rules—Investigations—Oaths, subpoenas—Periodic reports and roster.** The board may adopt and amend bylaws establishing its organization and method of operation, including but not limited to meetings, maintenance of books and records, publication of reports, code of ethics, and rosters, and adoption and use of a seal. Four members of the board shall constitute a quorum for the conduct of any business of the board. The board may employ such persons as are necessary to carry out its

**Chapter 18.43**

**ENGINEERS AND LAND SURVEYORS**

Sections

18.43.030	Board of registration—Members—Terms—Qualifications—Compensation and travel expenses.
18.43.035	Bylaws—Employees—Rules—Investigations—Oaths, subpoenas—Periodic reports and roster.
18.43.090	Repealed.
18.43.110	Revocations, fines, reprimands, and suspensions.
18.43.120	Violations and penalties.

duties under this chapter. It may adopt rules and regulations reasonably necessary to administer the provisions of this chapter. It may conduct investigations concerning alleged violations of the provisions of this chapter. In making such investigations and in all proceedings under RCW 18.43.110, the chairman of the board or any member of the board acting in his place may administer oaths or affirmations to witnesses appearing before the board, subpoena witnesses and compel their attendance, and require the production of books, records, papers and documents. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, records, papers or documents so required to be produced, the board may present its petition to the superior court of the county in which such person resides, setting forth the facts, and thereupon the court shall, in any proper case, enter a suitable order compelling compliance with the provisions of this chapter and imposing such other terms and conditions as the court may deem equitable. The board shall submit to the governor such periodic reports as may be required. A roster, showing the names and places of business of all registered professional engineers and land surveyors may be published for distribution, upon request, to professional engineers and land surveyors registered under this chapter and to the public. [1986 c 102 § 2; 1977 c 75 § 10; 1961 c 142 § 1; 1959 c 297 § 1.]

**18.43.090 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.43.110 Revocations, fines, reprimands, and suspensions.** The board shall have the exclusive power to fine and reprimand the registrant and suspend or revoke the certificate of registration of any registrant who is found guilty of:

The practice of any fraud or deceit in obtaining a certificate of registration; or

Any gross negligence, incompetency, or misconduct in the practice of engineering or land surveying as a registered engineer or land surveyor.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct against any registrant. Such charges shall be in writing and shall be sworn to by the person making them and shall be filed with the secretary of the board.

All procedures related to hearings on such charges shall be in accordance with rules for a contested case, chapter 34.04 RCW, the Administrative Procedure Act.

If, after such hearing, a majority of the board vote in favor of finding the accused guilty, the board shall revoke or suspend the certificate of registration of such registered professional engineer or land surveyor.

The board, for reasons it deems sufficient, may reissue a certificate of registration to any person whose certificate has been revoked or suspended, providing a majority of the board vote in favor of such issuance. A new certificate of registration to replace any certificate revoked, lost, destroyed, or mutilated may be issued, subject to the rules of the board, and a charge determined

by the director as provided in RCW 43.24.086 shall be made for such issuance.

Any person who shall feel aggrieved by any action of the board in denying or revoking his certificate of registration may appeal therefrom to the superior court of the county in which such person resides, and after full hearing, said court shall make such decree sustaining or revoking the action of the board as it may deem just and proper.

Fines imposed by the board shall not exceed one thousand dollars for each offense.

In addition to the imposition of civil penalties under this section, the board may refer violations of this chapter to the appropriate prosecuting attorney for charges under RCW 18.43.120. [1986 c 102 § 3; 1985 c 7 § 45; 1982 c 37 § 1; 1975 1st ex.s. c 30 § 49; 1947 c 283 § 14; Rem. Supp. 1947 § 8306-31. Prior: 1935 c 167 § 11; RRS § 8306-11.]

**18.43.120 Violations and penalties.** Any person who shall practice, or offer to practice, engineering or land surveying in this state without being registered in accordance with the provisions of the chapter, or any person presenting or attempting to use as his own the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant, or any person who shall attempt to use the expired or revoked certificate of registration, or any person who shall violate any of the provisions of this chapter shall be guilty of a gross misdemeanor.

It shall be the duty of all officers of the state or any political subdivision thereof, to enforce the provisions of this chapter. The attorney general shall act as legal adviser of the board, and render such legal assistance as may be necessary in carrying out the provisions of this chapter. [1986 c 102 § 4; 1947 c 283 § 15; Rem. Supp. 1947 § 8306-32. Prior: 1935 c 167 § 14; RRS § 8306-14.]

*Forgery: RCW 9A.60.020.*

## Chapter 18.46 MATERNITY HOMES

### Sections

18.46.110 Fire protection—Duties of director of community development.

**18.46.110 Fire protection—Duties of director of community development.** Fire protection with respect to all maternity homes to be licensed hereunder, shall be the responsibility of the director of community development, through the director of fire protection, who shall adopt by reference, such recognized standards as may be applicable to nursing homes, places of refuge, and maternity homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit

to the director of community development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the director of community development, through the director of fire protection, or his or her deputy, shall make an inspection of the maternity home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the director of community development, through the director of fire protection, he or she shall promptly make a written report to the department as to the manner in which the premises may qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the director of community development, through the director of fire protection, upon completion of any requirements made by him or her, and the director of community development, through the director of fire protection, or his or her deputy, shall make a re-inspection of such premises. Whenever the maternity home to be licensed meets with the approval of the director of community development, through the director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a license can be issued. The director of community development, through the director of fire protection, shall make or cause to be made such inspection of such maternity homes as he or she deems necessary.

In cities which have in force a comprehensive building code, the regulation of which is equal to the minimum standards of the code for maternity homes adopted by the director of community development, through the director of fire protection, the building inspector and the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection and shall approve the premises before a license can be issued.

In cities where such building codes are in force, the director of community development, through the director of fire protection, may, upon request by the chief fire official, or the local governing body, or of a taxpayer of such city, assist in the enforcement of any such code pertaining to maternity homes. [1986 c 266 § 82; 1951 c 168 § 12.]

**Severability**—1986 c 266: See note following RCW 38.52.005.  
*State fire protection: Chapter 48.48 RCW.*

## Chapter 18.50 MIDWIFERY

Sections	
18.50.040	Candidates for examination—Application—Eligibility, training, and education requirements—Student midwife permits.
18.50.100	Repealed.
18.50.120	Repealed.
18.50.125	Repealed.
18.50.126	Application of uniform disciplinary act.

**18.50.040 Candidates for examination—Application—Eligibility, training, and education requirements—Student midwife permits.** (1) Any person seeking to be examined shall present to the director, at least forty-five days before the commencement of the examination, a written application on a form or forms provided by the director setting forth under affidavit such information as the director may require and proof the candidate has received a high school degree or its equivalent; that the candidate is twenty-one years of age or older; that the candidate has received a certificate or diploma from a midwifery program accredited by the director and licensed under chapter 28C.10 RCW, when applicable, or a certificate or diploma in a foreign institution on midwifery of equal requirements conferring the full right to practice midwifery in the country in which it was issued. The diploma must bear the seal of the institution from which the applicant was graduated. Foreign candidates must present with the application a translation of the foreign certificate or diploma made by and under the seal of the consulate of the country in which the certificate or diploma was issued.

(2) The candidate shall meet the following conditions:

(a) Obtaining a minimum period of midwifery training for at least three years including the study of the basic nursing skills that the department shall prescribe by rule. However, if the applicant is a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, or has had previous nursing education or practical midwifery experience, the required period of training may be reduced depending upon the extent of the candidate's qualifications as determined under rules adopted by the department. In no case shall the training be reduced to a period of less than two years.

(b) Meeting minimum educational requirements which shall include studying obstetrics; neonatal pediatrics; basic sciences; female reproductive anatomy and physiology; behavioral sciences; childbirth education; community care; obstetrical pharmacology; epidemiology; gynecology; family planning; genetics; embryology; neonatology; the medical and legal aspects of midwifery; nutrition during pregnancy and lactation; breast feeding; nursing skills, including but not limited to injections, administering intravenous fluids, catheterization, and aseptic technique; and such other requirements prescribed by rule.

(c) For a student midwife during training, undertaking the care of not less than fifty women in each of the prenatal, intrapartum, and early postpartum periods, but the same women need not be seen through all three periods. A student midwife may be issued a permit upon the satisfactory completion of the requirements in (a), (b), and (c) of this subsection and the satisfactory completion of the licensure examination required by RCW 18.50.060. The permit permits the student midwife to practice under the supervision of a midwife licensed under this chapter, a physician licensed under chapter 18.57 or 18.71 RCW, or a certified nurse-midwife licensed under the authority of chapter 18.88 RCW. The permit

shall expire within one year of issuance and may be extended as provided by rule.

(d) Observing an additional fifty women in the intrapartum period before the candidate qualifies for a license.

The training required under this section shall include training in either hospitals or alternative birth settings or both with particular emphasis on learning the ability to differentiate between low-risk and high-risk pregnancies. [1986 c 299 § 24; 1981 c 53 § 6; 1917 c 160 § 2; RRS § 10175.]

**Severability—Effective date—1986 c 299:** See RCW 28C.10.900 and 28C.10.902.

**Effective date—1981 c 53:** See note following RCW 18.50.005.

**18.50.100 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.50.120 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.50.125 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.50.126 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter. [1986 c 259 § 75.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

## Chapter 18.51 NURSING HOMES

### Sections

- 18.51.140 Fire protection—Duties of director of community development.  
18.51.145 Building inspections—Authority of director of community development.

**18.51.140 Fire protection—Duties of director of community development.** Standards for fire protection and the enforcement thereof, with respect to all nursing homes to be licensed hereunder, shall be the responsibility of the director of community development, through the director of fire protection, who shall adopt such recognized standards as may be applicable to nursing homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the director of community development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the director of community development, through the director of fire protection, or his or her deputy, shall make an inspection of the nursing home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the director of community development,

through the director of fire protection, he or she shall promptly make a written report to the nursing home and the department as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the director of community development, through the director of fire protection, upon completion of any requirements made by him or her, and the director of community development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the nursing home to be licensed meets with the approval of the director of community development, through the director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a full license can be issued. The director of community development, through the director of fire protection, shall make or cause to be made inspections of such nursing homes at least annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the director of community development, through the director of fire protection, to be equal to the minimum standards of the code for nursing homes adopted by the director of community development, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the director of community development, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued. [1986 c 266 § 83; 1953 c 160 § 9; 1951 c 117 § 15.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

*State fire protection: Chapter 48.48 RCW.*

**18.51.145 Building inspections—Authority of director of community development.** Inspections of nursing homes by local authorities shall be consistent with the requirements of chapter 19.27 RCW, the state building code. Findings of a serious nature shall be coordinated with the department and the director of community development, through the director of fire protection, for determination of appropriate actions to ensure a safe environment for nursing home residents. The director of community development, through the director of fire protection, shall have exclusive authority to determine appropriate corrective action under this section. [1986 c 266 § 84; 1983 1st ex.s. c 67 § 45; 1981 1st ex.s. c 2 § 16.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**Severability—1983 1st ex.s. c 67:** See RCW 74.46.905.

**Effective dates—1983 1st ex.s. c 67:** See note following RCW 74.46.901.

**Severability—Effective dates—1981 1st ex.s. c 2:** See notes following RCW 18.51.010.

*Conflict with federal requirements and this section: RCW 74.46.840.*

**Chapter 18.53**  
**OPTOMETRY**

## Sections

18.53.020	Repealed.
18.53.030	Temporary permit—When issued.
18.53.100	Disciplinary action—Grounds.
18.53.101	Application of uniform disciplinary act.
18.53.140	Unlawful acts—Penalty.
18.53.150	Violations generally—Penalty.
18.53.155	Repealed.

**18.53.020 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.53.030 Temporary permit—When issued.** The board may at its discretion, issue a permit to practice optometry during the interim between examinations, to any person who has filed an application for examination which has been accepted by the board as admitting the applicant to the next examination. Such permit shall be valid only until the date of the next examination and shall not be issued sooner than thirty days following any regular examination, and no permit shall be issued to any person who has failed before the board, nor where a certificate has been revoked. [1986 c 259 § 80; 1919 c 144 § 8; RRS § 10153.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.53.100 Disciplinary action—Grounds.** The following constitutes grounds for disciplinary action under chapter 18.130 RCW:

- (1) Any form of fraud or deceit used in securing a license; or
- (2) Any unprofessional conduct, of a nature likely to deceive or defraud the public; or
- (3) The employing either directly or indirectly of any person or persons commonly known as "cappers" or "steerers" to obtain business; or
- (4) To employ any person to solicit from house to house, or to personally solicit from house to house; or
- (5) Advertisement in any way in which untruthful, improbable or impossible statements are made regarding treatments, cures or values; or
- (6) The use of the term "eye specialist" in connection with the name of such optometrist; or
- (7) Inability to demonstrate, in a manner satisfactory to the director or the board of optometry, their practical ability to perform any function set forth in RCW 18.53-.010 which they utilize in their practice. [1986 c 259 § 81; 1975 1st ex.s. c 69 § 6; 1919 c 144 § 11; RRS § 10156. Prior: 1909 c 235 §§ 11, 12.]

**Savings—1986 c 259 §§ 81, 85:** "The repeal of RCW 18.53.020 and the amendment of RCW 18.53.100 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 86.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

*False advertising: Chapter 9.04 RCW.*

*Uniform alcoholism and intoxication treatment act: Chapter 70.96A RCW.*

*Violation of Uniform Controlled Substances Act—Suspension of license: RCW 69.50.413.*

**18.53.101 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter and chapter 18.54 RCW. [1986 c 259 § 78.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.53.140 Unlawful acts—Penalty.** It shall be unlawful for any person:

- (1) To sell or barter, or offer to sell or barter any license issued by the director; or
- (2) To purchase or procure by barter any license with the intent to use the same as evidence of the holder's qualification to practice optometry; or
- (3) To alter with fraudulent intent in any material regard such license; or
- (4) To use or attempt to use any such license which has been purchased, fraudulently issued, counterfeited or materially altered as a valid license; or
- (5) To practice optometry under a false or assumed name, or as a representative or agent of any person, firm or corporation with which the licensee has no connection: *Provided*, Nothing in this chapter nor in the optometry law shall make it unlawful for any lawfully licensed optometrist or association of lawfully licensed optometrists to practice optometry under the name of any lawfully licensed optometrist who may transfer by inheritance or otherwise the right to use such name; or
- (6) To practice optometry in this state either for himself or any other individual, corporation, partnership, group, public or private entity, or any member of the licensed healing arts without having at the time of so doing a valid license issued by the director of licensing; or
- (7) To in any manner barter or give away as premiums either on his own account or as agent or representative for any other purpose, firm or corporation, any eyeglasses, spectacles, lenses or frames; or
- (8) To use drugs in the examination of eyes except diagnostic agents, topically applied, known generally as cycloplegics, mydriatics, topical anesthetics, dyes such as florescein, and for emergency use only, miotics, which legend drugs a certified optometrist is authorized to purchase, possess and administer; or
- (9) To use advertising whether printed, radio, display, or of any other nature, which is misleading or inaccurate in any material particular, nor shall any such person in any way misrepresent any goods or services (including but without limitation, its use, trademark, grade, quality, size, origin, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted; or
- (10) To advertise the "free examination of eyes," "free consultation," "consultation without obligation," "free advice," or any words or phrases of similar import which convey the impression to the public that eyes are examined free or of a character tending to deceive or mislead the public, or in the nature of "bait advertising;" or

(11) To use an advertisement of a frame or mounting which is not truthful in describing the frame or mounting and all its component parts. Or advertise a frame or mounting at a price, unless it shall be depicted in the advertisement without lenses inserted, and in addition the advertisement must contain a statement immediately following, or adjacent to the advertised price, that the price is for frame or mounting only, and does not include lenses, eye examination and professional services, which statement shall appear in type as large as that used for the price, or advertise lenses or complete glasses, viz.: frame or mounting with lenses included, at a price either alone or in conjunction with professional services; or

(12) To use advertising, whether printed, radio, display, or of any other nature, which inaccurately lays claim to a policy or continuing practice of generally underselling competitors; or

(13) To use advertising, whether printed, radio, display or of any other nature which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services; or

(14) To use advertising whether printed, radio, display, or of any other nature, which states any definite amount of money as "down payment" and any definite amount of money as a subsequent payment, be it daily, weekly, monthly, or at the end of any period of time. [1986 c 259 § 82; 1981 c 58 § 3; 1979 c 158 § 47; 1975 1st ex.s. c 69 § 7; 1945 c 78 § 1; 1935 c 134 § 1; 1919 c 144 § 7; Rem. Supp. 1945 § 10152. Cf. 1909 c 235 § 5.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

*False advertising: Chapter 9.04 RCW.*

*Violation of Uniform Controlled Substances Act—Suspension of license: RCW 69.50.413.*

**18.53.150 Violations generally—Penalty.** Any person violating this chapter is guilty of a misdemeanor. [1986 c 259 § 83; 1919 c 144 § 22; RRS § 10163. Prior: 1909 c 235 § 12.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.53.155 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 18.54

#### OPTOMETRY BOARD

##### Sections

18.54.070	Powers and duties—Examinations—Rules.
18.54.075	Repealed.
18.54.076	Application of uniform disciplinary act.
18.54.080	Repealed.
18.54.100	through 18.54.120 Repealed.

**18.54.070 Powers and duties—Examinations—Rules.** The board has the following powers and duties:

(1) The board shall prepare the necessary lists of examination questions, conduct examinations, either written or oral or partly written and partly oral, and shall certify to the director of licensing all lists, signed by all

members conducting the examination, of all applicants for licenses who have successfully passed the examination and a separate list of all applicants for licenses who have failed to pass the examination, together with a copy of all examination questions used, and the written answers to questions on written examinations submitted by each of the applicants.

(2) The board shall adopt rules and regulations to promote safety, protection and the welfare of the public, to carry out the purposes of this chapter, to aid the board in the performance of its powers and duties, and to govern the practice of optometry. [1986 c 259 § 84; 1979 c 158 § 49; 1975 1st ex.s. c 69 § 10; 1963 c 25 § 7.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**Severability**—1975 1st ex.s. c 69: See RCW 18.53.911.

**18.54.075 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.54.076 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter and chapter 18.53 RCW. [1986 c 259 § 79.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.54.080 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.54.100 through 18.54.120 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 18.55

#### OCULARISTS

##### Sections

18.55.065	Repealed.
18.55.066	Application of uniform disciplinary act.
18.55.070	through 18.55.100 Repealed.

**18.55.065 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.55.066 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter. [1986 c 259 § 89.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.55.070 through 18.55.100 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

## Chapter 18.57

OSTEOPATHY—OSTEOPATHIC MEDICINE  
AND SURGERY

## Sections

18.57.005	Powers and duties of board.
18.57.009	Repealed.
18.57.011	Application of uniform disciplinary act.
18.57.030	Repealed.
18.57.170	Repealed.
18.57.173	Repealed.
18.57.174	Duty to report unprofessional conduct—Exceptions.
18.57.175	through 18.57.205 Repealed.
18.57.245	Duty of professional liability insurers to report malpractice settlements and awards.

**18.57.005 Powers and duties of board.** The board shall have the following powers and duties:

(1) To administer examinations to applicants for licensure under this chapter;

(2) To make such rules and regulations as are not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter;

(3) To establish and administer requirements for continuing professional education as may be necessary or proper to insure the public health and safety as a prerequisite to granting and renewing licenses under this chapter: *Provided*, That such rules shall not require a licensee under this chapter to engage in continuing education related to or provided by any specific branch, school, or philosophy of medical practice or its political and/or professional organizations, associations, or societies;

(4) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein. [1986 c 259 § 94; 1979 c 117 § 3.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.57.009 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.57.011 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter. [1986 c 259 § 92.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.57.030 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.57.170 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.57.173 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.57.174 Duty to report unprofessional conduct—**  
**Exceptions.** [(1)] A health care professional licensed under chapter 18.57 RCW shall report to the board when he or she has personal knowledge that a practicing osteopathic physician has either committed an act or acts which may constitute statutorily defined unprofessional conduct or that a practicing osteopathic physician may be unable to practice osteopathic medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any impairing mental or physical conditions.

(2) Reporting under this section is not required by:

(a) An appropriately appointed peer review committee member of a licensed hospital or by an appropriately designated professional review committee member of an osteopathic medical society during the investigative phase of their respective operations if these investigations are completed in a timely manner; or

(b) A treating licensed health care professional of an osteopathic physician currently involved in a treatment program as long as the physician patient actively participates in the treatment program and the physician patient's impairment does not constitute a clear and present danger to the public health, safety, or welfare.

(3) The board may impose disciplinary sanctions, including license suspension or revocation, on any health care professional subject to the jurisdiction of the board who has failed to comply with this section. [1986 c 300 § 9.]

**Legislative findings—Severability—1986 c 300:** See notes following RCW 18.72.040.

**18.57.175 through 18.57.205 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.57.245 Duty of professional liability insurers to report malpractice settlements and awards.** Every institution or organization providing professional liability insurance to osteopathic physicians shall send a complete report to the board of all malpractice settlements, awards, or payments in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured physician's incompetency or negligence in the practice of osteopathic medicine. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a year as the result of the alleged physician's incompetence or negligence in the practice of medicine regardless of the dollar amount of the award or payment.

Reports required by this section shall be made within sixty days of the date of the settlement or verdict. Failure to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars. [1986 c 300 § 10.]

**Legislative findings—Severability—1986 c 300:** See notes following RCW 18.72.040.

## Chapter 18.57A

## OSTEOPATHIC PHYSICIANS' ASSISTANTS

## Sections

- 18.57A.025 Application of uniform disciplinary act.  
 18.57A.030 Limitations on practice by osteopathic physicians' assistants.  
 18.57A.040 Osteopathic physician's application for assistant—Fee—Approval or rejection by board—Hearing.  
 18.57A.050 Osteopathic physician's liability, responsibility.

**18.57A.025 Application of uniform disciplinary act.**

The uniform disciplinary act, chapter 18.130 RCW, governs the approval or disapproval of applications and the discipline of persons authorized to practice under this chapter. [1986 c 259 § 93.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.57A.030 Limitations on practice by osteopathic physicians' assistants.** An osteopathic physician's assistant as defined in this chapter may practice osteopathic medicine in this state only after authorization by the board and only to the extent permitted by the board. An osteopathic physician's assistant shall be subject to discipline by the board under the provisions of chapter 18.130 RCW. [1986 c 259 § 95; 1971 ex.s. c 30 § 9.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**Severability—1971 ex.s. c 30:** See note following RCW 18.71A.010.

**18.57A.040 Osteopathic physician's application for assistant—Fee—Approval or rejection by board—Hearing.** No osteopathic physician practicing in this state shall utilize the services of an osteopathic physician's assistant without the approval of the board.

Any osteopathic physician licensed in this state may apply to the board for permission to use the services of an osteopathic physician's assistant. The application shall be accompanied by a fee determined by the director as provided in RCW 43.24.086, shall detail the manner and extent to which the physician's assistant would be used and supervised, shall detail the education, training, and experience of the osteopathic physician's assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of the osteopathic physician's assistant, and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a fee determined by the director as provided in RCW 43.24.086. Whenever it appears to the board that an osteopathic physician's assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with chapter 34.04 RCW. [1986 c 259 § 96; 1985 c 7 § 57; 1975 1st ex.s. c 30 § 60; 1971 ex.s. c 30 § 10.]

**Reviser's note:** This section was amended by 1986 c 259 § 96 without reference to its amendment by 1985 c 7 § 57. Both amendments

are incorporated in the publication of this section pursuant to RCW 1.12.025(2).

**Severability—1986 c 259:** See note following RCW 18.130.010.

**Severability—1971 ex.s. c 30:** See note following RCW 18.71A.010.

**18.57A.050 Osteopathic physician's liability, responsibility.** No osteopathic physician who uses the services of an osteopathic physician's assistant in accordance with and within the terms of any permission granted by the board shall be considered as aiding and abetting an unlicensed person to practice osteopathic medicine within the meaning of RCW 18.57.080: *Provided, however,* That any physician shall retain professional and personal responsibility for any act which constitutes the practice of medicine as defined in RCW 18.57.130 when performed by a physician's assistant in his employ. [1986 c 259 § 97; 1971 ex.s. c 30 § 11.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**Severability—1971 ex.s. c 30:** See note following RCW 18.71A.010.

## Chapter 18.59

## OCCUPATIONAL THERAPY

## Sections

- 18.59.030 Repealed.  
 18.59.100 Duty to refer medical cases.  
 18.59.130 Board—Powers and duties—Rules.  
 18.59.140 Repealed.  
 18.59.141 Application of uniform disciplinary act.  
 18.59.200 Repealed.

**18.59.030 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.59.100 Duty to refer medical cases.** An occupational therapist shall, after evaluating a patient and if the case is a medical one, refer the case to a physician for appropriate medical direction if such direction is lacking. Treatment by an occupational therapist of such a medical case may take place only upon the referral of a physician or podiatrist licensed to practice medicine in this state. [1986 c 259 § 101; 1984 c 9 § 11.]

**Sunset Act application:** See note following chapter digest.

**Savings—1986 c 259 §§ 101, 103:** "The repeal of RCW 18.59.030 and 18.59.200 and the amendment of RCW 18.59.100 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 104.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**Violation of Uniform Controlled Substances Act—Suspension of license:** RCW 69.50.413.

**18.59.130 Board—Powers and duties—Rules.** (1) The board shall administer, coordinate, and enforce this chapter, evaluate qualifications under this chapter, and provide for supervision of examinations of applicants for licensure under this chapter.

(2) The board may adopt such rules as it deems necessary in the administration of this chapter. [1986 c 259 § 102; 1984 c 9 § 14.]

**Sunset Act application:** See note following chapter digest.



**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.59.140 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.59.141 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter. [1986 c 259 § 100.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.59.200 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

## Chapter 18.71 PHYSICIANS

### Sections

18.71.018	Repealed.
18.71.019	Application of uniform disciplinary act.
18.71.020	Repealed.
18.71.025	Repealed.
18.71.030	Exemptions.
18.71.050	Application—Eligibility requirements—United States and Canadian graduates.
18.71.095	Limited licenses (as amended by 1985 c 322).
18.71.095	Limited licenses (as amended by 1986 c 259).
18.71.120	through 18.71.145 Repealed.
18.71.165	Repealed.
18.71.180	Repealed.
18.71.200	Physician's trained mobile intravenous therapy technicians, physician's trained mobile airway management technicians, physician's trained mobile intensive care paramedics—Definitions.
18.71.205	Physician's trained mobile intravenous therapy technicians, airway management technicians, mobile intensive care paramedics—Certification and recertification standards and requirements—"Approved medical program director" defined.
18.71.210	Physician's trained mobile intravenous therapy technicians, airway management technicians, mobile intensive care paramedics—Liability for acts or omissions.
18.71.212	Medical program directors—Certification.
18.71.213	Medical program directors—Termination—Temporary delegation of authority.
18.71.215	Medical program directors—Liability for acts or omissions of directors, delegates, or agents.
18.71.230	Disciplinary action against persons exempt from licensure.

**18.71.018 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.71.019 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses under this chapter. [1986 c 259 § 105.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.71.020 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.71.025 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.71.030 Exemptions.** Nothing in this chapter shall be construed to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor shall anything in this chapter be construed to prohibit:

(1) The furnishing of medical assistance in cases of emergency requiring immediate attention;

(2) The domestic administration of family remedies;

(3) The administration of oral medication of any nature to students by public school district employees or private elementary or secondary school employees as provided for in chapter 28A.31 RCW, as now or hereafter amended;

(4) The practice of dentistry, osteopathy, osteopathy and surgery, nursing, chiropractic, podiatry, optometry, drugless therapeutics or any other healing art licensed under the methods or means permitted by such license;

(5) The practice of medicine in this state by any commissioned medical officer serving in the armed forces of the United States or public health service or any medical officer on duty with the United States veterans administration while such medical officer is engaged in the performance of the duties prescribed for him by the laws and regulations of the United States;

(6) The practice of medicine by any practitioner licensed by another state or territory in which he resides, provided that such practitioner shall not open an office or appoint a place of meeting patients or receiving calls within this state;

(7) The practice of medicine by a person who is a regular student in a school of medicine approved and accredited by the board: *Provided, however,* That the performance of such services be only pursuant to a regular course of instruction or assignments from his instructor, or that such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(8) The practice of medicine by a person serving a period of postgraduate medical training in a program of clinical medical training sponsored by a college or university in this state or by a hospital accredited in this state: *Provided,* That the performance of such services shall be only pursuant to his duties as a trainee;

(9) The practice of medicine by a person who is regularly enrolled in a physician's assistant program approved by the board: *Provided, however,* That the performance of such services be only pursuant to a regular course of instruction in said program: *And provided further,* That such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(10) The practice of medicine by a registered physician's assistant which practice is performed under the supervision and control of a physician licensed pursuant to this chapter;

(11) The practice of medicine, in any part of this state which shares a common border with Canada and which is surrounded on three sides by water, by a physician licensed to practice medicine and surgery in Canada or any province or territory thereof;

(12) The administration of nondental anesthesia by a dentist who has completed a residency in anesthesiology at a school of medicine approved by the board of medical examiners: *Provided*, That a dentist allowed to administer nondental anesthesia shall do so only under authorization of the patient's attending surgeon, obstetrician, or psychiatrist: *And provided further*, That the medical disciplinary board shall have jurisdiction to discipline a dentist practicing under this exemption and enjoin or suspend such dentist from the practice of nondental anesthesia according to the provisions of chapter 18.72 RCW and chapter 18.130 RCW;

(13) Emergency lifesaving service rendered by a physician's trained mobile intravenous therapy technician, by a physician's trained mobile airway management technician, or by a physician's trained mobile intensive care paramedic, as defined in RCW 18.71.200, if the emergency lifesaving service is rendered under the responsible supervision and control of a licensed physician. [1986 c 259 § 108; 1983 c 2 § 1. Prior: 1982 c 195 § 3; 1982 c 51 § 1; 1975 1st ex.s. c 171 § 5; 1973 1st ex.s. c 110 § 1; 1961 c 284 § 4; 1919 c 134 § 12; 1909 c 192 § 19; RRS § 10024.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**Severability**—1983 c 2: "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." [1983 c 2 § 21.]

**Severability**—1982 c 195: See note following RCW 28A.31.150.

*Administering drugs, inoculations, etc., by registered nurses permitted: RCW 18.88.290.*

**18.71.050 Application—Eligibility requirements—United States and Canadian graduates.** (1) Each applicant who has graduated from a school of medicine located in any state, territory or possession of the United States, the District of Columbia, or the Dominion of Canada, shall file an application for licensure with the board on a form prepared by the director with the approval of the board. Each applicant shall furnish proof satisfactory to the board of the following:

(a) That the applicant has attended and graduated from a school of medicine approved by the board;

(b) That the applicant has completed two years of postgraduate medical training in a program acceptable to the board, provided that applicants graduating before July 28, 1985, may complete only one year of postgraduate medical training;

(c) That the applicant is of good moral character; and

(d) That the applicant is physically and mentally capable of safely carrying on the practice of medicine. The board may require any applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical and/or mental capability to safely practice medicine.

(2) Nothing in this section shall be construed as prohibiting the board from requiring such additional information from applicants as it deems necessary. The issuance and denial of licenses are subject to chapter 18.130 RCW, the uniform disciplinary act. [1986 c 259 § 109; 1985 c 322 § 2; 1975 1st ex.s. c 171 § 7; 1961 c 284 § 5; 1957 c 60 § 3. Prior: 1947 c 168 § 1, part; 1919

c 134 § 3, part; 1909 c 192 § 6, part; Rem. Supp. 1947 § 10008, part; prior: 1905 c 41 § 1, part; 1901 c 42 § 1, part; 1890 p 115 § 3, part; Code 1881 § 2285, part.]

**Reviser's note:** This section was amended by 1986 c 259 § 109 without reference to its amendment by 1985 c 322 § 2. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2).

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.71.095 Limited licenses (as amended by 1985 c 322).** The board may, without examination, issue a limited license to persons who possess the qualifications set forth herein:

(1) The board may, upon the written request of the secretary of the department of social and health services or the secretary of corrections, issue a limited license to practice medicine in this state to persons who have been accepted for employment by the department of social and health services or the department of corrections as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with patients, residents, or inmates of the state institutions under the control and supervision of the secretary of the department of social and health services or the department of corrections.

(2) The board may issue a limited license to practice medicine in this state to persons who have been accepted for employment by a county or city health department as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with his or her duties in employment with the city or county health department.

(3) Upon receipt of a completed application showing that the applicant meets all of the requirements for licensure set forth in RCW 18.71.050 except for completion of ~~((one))~~ two years of postgraduate medical training, and that the applicant has been appointed as a resident physician in a program of postgraduate clinical training in this state approved by the board, the board may issue a limited license to a resident physician. Such license shall permit the resident physician to practice medicine only in connection with his or her duties as a resident physician and shall not authorize ~~((him))~~ the physician to engage in any other form of practice. Each resident physician shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered.

All persons licensed under this section shall be subject to the jurisdiction of the medical disciplinary board to the same extent as other members of the medical profession, in accordance with chapter 18.72 RCW and in addition, the limited license to practice medicine in the state of Washington may be revoked by the medical disciplinary board after a hearing has been held in accordance with the provisions set forth in chapter 18.72 RCW, and determination made by the medical disciplinary board that such licensee has violated the limitations set forth herein.

Persons applying for licensure pursuant to this section shall pay an application fee ~~((of twenty-five dollars))~~ determined by the director as provided in RCW 43.24.086 and, in the event the license applied for is issued, a license fee at the rate provided for renewals of licenses generally. Licenses issued hereunder may be renewed annually pursuant to the provisions of RCW 18.71.080 ~~((: Provided, That a limited license for a resident physician may not be renewed until such resident physician has successfully completed either all parts of the examination given by the national board of medical examiners or an equivalent examination approved by the board. Interim approval may be granted until the result of such examination becomes available))~~. Any person who obtains a limited license pursuant to this section may, without an additional application fee, apply for licensure under this chapter. [1985 c 322 § 6; 1975 1st ex.s. c 171 § 13; 1973 1st ex.s. c 4 § 1; 1967 c 138 § 1; 1965 c 29 § 1; 1959 c 189 § 1.]

**18.71.095 Limited licenses (as amended by 1986 c 259).** The board may, without examination, issue a limited license to persons who possess the qualifications set forth herein:

(1) The board may, upon the written request of the secretary of the department of social and health services, issue a limited license to practice medicine in this state to persons who have been accepted for employment by the department as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with patients, residents, or inmates of the state institutions under the control and supervision of the secretary of the department of social and health services.

(2) The board may issue a limited license to practice medicine in this state to persons who have been accepted for employment by a county or city health department as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with his or her duties in employment with the city or county health department.

(3) Upon receipt of a completed application showing that the applicant meets all of the requirements for licensure set forth in RCW 18.71.050 except for completion of one year of postgraduate medical training, and that the applicant has been appointed as a resident physician in a program of postgraduate clinical training in this state approved by the board, the board may issue a limited license to a resident physician. Such license shall permit the resident physician to practice medicine only in connection with his duties as a resident physician and shall not authorize him to engage in any other form of practice. Each resident physician shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered.

All persons licensed under this section shall be subject to the jurisdiction of the medical disciplinary board to the same extent as other members of the medical profession, in accordance with chapters 18.72 and 18.130 RCW (~~and in addition, the limited license to practice medicine in the state of Washington may be revoked by the medical disciplinary board after a hearing has been held in accordance with the provisions set forth in chapter 18.72 RCW, and determination made by the medical disciplinary board that such licensee has violated the limitations set forth herein~~).

Persons applying for licensure pursuant to this section shall pay an application fee (~~of twenty-five dollars and, in the event the license applied for is issued, a license fee at the rate provided for renewals of licenses generally~~) as determined by the director. Licenses issued hereunder may be renewed annually pursuant to the provisions of RCW 18.71.080: *Provided*, That a limited license for a resident physician may not be renewed until such resident physician has successfully completed either all parts of the examination given by the national board of medical examiners or an equivalent examination approved by the board. Interim approval may be granted until the result of such examination becomes available. Any person who obtains a limited license pursuant to this section may, without an additional application fee, apply for licensure under this chapter. [1986 c 259 § 110; 1975 1st ex.s. c 171 § 13; 1973 1st ex.s. c 4 § 1; 1967 c 138 § 1; 1965 c 29 § 1; 1959 c 189 § 1.]

**Reviser's note:** RCW 18.71.095 was amended by 1986 c 259 § 110 without reference to its amendment by 1985 c 322 § 6.

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.71.120 through 18.71.145 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.71.165 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.71.180 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.71.200 Physician's trained mobile intravenous therapy technicians, physician's trained mobile airway management technicians, physician's trained mobile intensive care paramedics—Definitions.** (1) As used in this chapter, a "physician's trained mobile intravenous therapy technician" means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained under the supervision of an approved medical program director to administer intravenous solutions under written or oral authorization of an approved licensed physician; and

(c) Has been examined and certified as a physician's trained mobile intravenous therapy technician by the University of Washington's school of medicine or the department of social and health services;

(2) As used in this chapter, a "physician's trained mobile airway management technician" means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained under the supervision of an approved medical program director to perform endotracheal airway management and other authorized aids to ventilation under written or oral authorization of an approved licensed physician; and

(c) Has been examined and certified as a physician's trained mobile airway management technician by the University of Washington's school of medicine or the department of social and health services; and

(3) As used in this chapter, a "physician's trained mobile intensive care paramedic" means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained under the supervision of an approved medical program director:

(i) To carry out all phases of advanced cardiac life support;

(ii) To administer drugs under written or oral authorization of an approved licensed physician; and

(iii) To administer intravenous solutions under written or oral authorization of an approved licensed physician; and

(iv) To perform endotracheal airway management and other authorized aids to ventilation; and

(c) Has been examined and certified as a physician's trained mobile intensive care paramedic by the University of Washington's school of medicine or by the department of social and health services. [1986 c 259 § 111; 1983 c 112 § 1; 1977 c 55 § 2; 1973 1st ex.s. c 52 § 1; 1971 ex.s. c 305 § 2.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**Effective date—1973 1st ex.s. c 52:** See note following RCW 43.22.010.

**18.71.205 Physician's trained mobile intravenous therapy technicians, airway management technicians, mobile intensive care paramedics—Certification and**

**recertification standards and requirements**—"**Approved medical program director**" defined. (1) The secretary of the department of social and health services, in conjunction with the advice and assistance of the emergency medical services committee as prescribed in RCW 18.73.050, and the board of medical examiners, shall prescribe:

(a) Minimum standards and performance requirements for the certification and recertification of physician's trained intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics; and

(b) Procedures for certification, recertification, and decertification of physician's trained intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics.

(2) Initial certification shall be for a period of two years.

(3) Recertification shall be granted upon proof of continuing satisfactory performance and education, and shall be for a period of two years.

(4) As used in chapters 18.71 and 18.73 RCW, "approved medical program director" means a person who:

(a) Is licensed to practice medicine and surgery pursuant to chapter 18.71 RCW or osteopathy and surgery pursuant to chapter 18.57 RCW; and

(b) Is qualified and knowledgeable in the administration and management of emergency care and services; and

(c) Is so certified by the department of social and health services for a county or group of counties in coordination with the recommendations of the local medical community and local emergency medical services council. [1986 c 68 § 1; 1983 c 112 § 2; 1977 c 55 § 3.]

**18.71.210 Physician's trained mobile intravenous therapy technicians, airway management technicians, mobile intensive care paramedics**—**Liability for acts or omissions.** No act or omission of any physician's trained mobile intensive care paramedic, intravenous therapy technician, or airway management technician, as defined in RCW 18.71.200 as now or hereafter amended, or of any emergency medical technician as defined in RCW 18.73.030, done or omitted in good faith while rendering emergency medical service under the responsible supervision and control of a licensed physician or an approved medical program director or delegate(s) to a person who has suffered illness or bodily injury shall impose any liability upon:

(1) The trained mobile intensive care paramedic, intravenous therapy technician, or airway management technician;

(2) The medical program director;

(3) The supervising physician(s);

(4) Any hospital, the officers, members of the staff, nurses, or other employees of a hospital;

(5) Any training agency or training physician(s);

(6) Any licensed ambulance service; or

(7) Any federal, state, county, city or other local governmental unit or employees of such a governmental unit.

This section shall apply to an act or omission committed or omitted in the performance of the actual emergency medical procedures and not in the commission or omission of an act which is not within the field of medical expertise of the physician's trained mobile intensive care paramedic, intravenous therapy technician, or airway management technician, as the case may be.

This section shall not relieve a physician or a hospital of any duty otherwise imposed by law upon such physician or hospital for the designation or training of a physician's trained mobile intensive care paramedic, intravenous therapy technician, or airway management technician, nor shall this section relieve any individual or other entity listed in this section of any duty otherwise imposed by law for the provision or maintenance of equipment to be used by the physician's trained mobile intensive care paramedics, intravenous therapy technicians, or airway management technicians.

This section shall not apply to any act or omission which constitutes either gross negligence or wilful or wanton conduct. [1986 c 68 § 4; 1983 c 112 § 3; 1977 c 55 § 4; 1971 ex.s. c 305 § 3.]

**18.71.212 Medical program directors**—**Certification.** The secretary of the department of social and health services, in conjunction with the state emergency medical services committee, shall evaluate, certify and terminate certification of medical program directors, and prescribe minimum standards defining duties and responsibilities and performance of duties and responsibilities. [1986 c 68 § 2.]

**18.71.213 Medical program directors**—**Termination**—**Temporary delegation of authority.** If a medical program director terminates certification, that medical program director's authority may be delegated by the department to any other licensed physician for a period of thirty days, or until a new medical program director is certified, whichever comes first. [1986 c 68 § 3.]

**18.71.215 Medical program directors**—**Liability for acts or omissions of directors, delegates, or agents.** The department of social and health services shall defend and hold harmless approved medical program directors, delegates, or agents for any act or omission committed or omitted in good faith in the performance of his or her duties. [1986 c 68 § 5; 1983 c 112 § 4.]

*Medical program director*—*Duties:* RCW 18.73.077.

**18.71.230 Disciplinary action against persons exempt from licensure.** A right to practice medicine and surgery by an individual in this state pursuant to RCW 18.71-.030 (5) through (12) shall be subject to discipline by order of the board upon a finding by the board of an act of unprofessional conduct as defined in RCW 18.130-.180 or that the individual is unable to practice with reasonable skill or safety due to a mental or physical condition as described in RCW 18.130.170. Such physician shall have the same rights of notice, hearing and judicial review as provided licensed physicians generally

pursuant to chapters 18.72 and 18.130 RCW. [1986 c 259 § 112; 1979 c 158 § 57; 1973 1st ex.s. c 110 § 2.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**Chapter 18.71A  
PHYSICIANS' ASSISTANTS**

Sections

- 18.71A.025 Application of uniform disciplinary act.
- 18.71A.040 Physician's application for physician's assistant—  
Fee—Approval or rejection by board—Hearing.
- 18.71A.050 Physician's liability, responsibility.

**18.71A.025 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter. [1986 c 259 § 106.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.71A.040 Physician's application for physician's assistant—Fee—Approval or rejection by board—Hearing.** No physician practicing in this state shall utilize the services of a physician's assistant without the approval of the board.

Any physician licensed in this state may apply to the board for permission to use the services of a physician's assistant. The application shall be accompanied by a fee determined by the director as provided in RCW 43.24-.086, shall detail the manner and extent to which the physician's assistant would be used and supervised, shall detail the education, training, and experience of the physician's assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of the physician's assistant, and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a fee determined by the director as provided in RCW 43.24.086. Whenever it appears to the board that a physician's assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with chapter 18.130 RCW. [1986 c 259 § 113; 1985 c 7 § 61; 1975 1st ex.s. c 30 § 64; 1975 1st ex.s. c 190 § 2; 1971 ex.s. c 30 § 4.]

**Reviser's note:** This section was amended by 1986 c 259 § 113 without reference to its amendment by 1985 c 7 § 61. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2).

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.71A.050 Physician's liability, responsibility.** No physician who uses the services of a physician's assistant in accordance with and within the terms of any permission granted by the medical examining board shall be considered as aiding and abetting an unlicensed person

to practice medicine: *Provided, however,* That any physician shall retain professional and personal responsibility for any act which constitutes the practice of medicine as defined in RCW 18.71.010 when performed by a physician's assistant in his employ. [1986 c 259 § 114; 1971 ex.s. c 30 § 5.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**Chapter 18.72  
MEDICAL DISCIPLINARY BOARD**

Sections

- 18.72.020 Definitions.
- 18.72.030 Repealed.
- 18.72.040 Board created—Composition—Legal advisor.
- 18.72.135 Repealed.
- 18.72.140 Repealed.
- 18.72.150 Rules.
- 18.72.153 Repealed.
- 18.72.154 Application of uniform disciplinary act.
- 18.72.160 Repealed.
- 18.72.165 Duty to report unprofessional conduct—Exceptions.
- 18.72.170 through 18.72.180 Repealed.
- 18.72.201 through 18.72.260 Repealed.
- 18.72.265 Disciplinary reports—Contents confidential—  
Immunity.
- 18.72.270 Repealed.
- 18.72.271 Decodified.
- 18.72.275 through 18.72.330 Repealed.
- 18.72.340 Duty of professional liability insurers to report malpractice settlements and awards.

*Hospital medical malpractice prevention programs: RCW 70.41.200.*

**18.72.020 Definitions.** Terms used in this chapter and in RCW 18.71.040 and 18.71.080 have the meaning set forth in this section unless the context clearly indicates otherwise:

- (1) "Board" means the medical disciplinary board.
- (2) "License" means a certificate or license to practice medicine and surgery in this state as provided for in RCW 18.71.010 and 18.71.050.
- (3) "Members" means members of the medical disciplinary board.
- (4) "Secretary" means the secretary of the medical disciplinary board. [1986 c 259 § 115; 1955 c 202 § 2.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.72.030 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.72.040 Board created—Composition—Legal advisor.** There is hereby created the "Washington state medical disciplinary board," which shall be composed of one holder of a valid license to practice medicine and surgery from each congressional district now existing or hereafter created in the state and three members of the public who meet the qualifications contained in RCW 70.39.020(2) shall be appointed by the governor. The public members' term shall be for four years. In order to achieve staggered terms, the public member serving on the board on June 11, 1986, shall continue to serve until October 1, 1987. The remaining two public members

shall be appointed to initial terms of three years and four years, respectively.

The board shall be an administrative agency of the state of Washington. The attorney general shall be the advisor of the board and shall represent it in all legal proceedings. [1986 c 300 § 2; 1977 c 71 § 1; 1955 c 202 § 4.]

**Legislative findings—1986 c 300:** "(1) The legislature finds that medical malpractice will be reduced if hospitals establish coordinated medical malpractice prevention programs and provide greater scrutiny of physicians prior to granting or renewing hospital privileges.

(2) The legislature also finds that physician disciplinary boards can reduce medical malpractice if they have access to additional information on health care providers who are incompetent or impaired." [1986 c 300 § 1.]

**Severability—1986 c 300:** "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." [1986 c 300 § 12.]

*Director of licensing or director's designee ex officio member of health professional licensure and disciplinary boards: RCW 43.24.015.*

**18.72.135 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.72.140 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.72.150 Rules.** The board may adopt, amend, and rescind such rules and regulations as it deems necessary to carry out the provisions of this chapter. [1986 c 259 § 116; 1979 ex.s. c 111 § 5; 1975 c 61 § 4; 1955 c 202 § 15.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**Severability—1979 ex.s. c 111:** See note following RCW 18.72.060.

**18.72.153 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.72.154 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the discipline of licensees under this chapter. [1986 c 259 § 107.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.72.160 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.72.165 Duty to report unprofessional conduct—Exceptions.** (1) A licensed health care professional licensed under chapter 18.71 RCW shall report to the medical disciplinary board when he or she has personal knowledge that a practicing physician has either committed an act or acts which may constitute statutorily defined unprofessional conduct or that a practicing physician may be unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical conditions.

(2) Reporting under this section is not required by:

(a) An appropriately appointed peer review committee member of a licensed hospital or by an appropriately designated professional review committee member of a county or state medical society during the investigative phase of their respective operations if these investigations are completed in a timely manner; or

(b) A treating licensed health care professional of a physician currently involved in a treatment program as long as the physician patient actively participates in the treatment program and the physician patient's impairment does not constitute a clear and present danger to the public health, safety, or welfare.

(3) The medical disciplinary board may impose disciplinary sanctions, including license suspension or revocation, on any health care professional subject to the jurisdiction of the board who has failed to comply with this section. [1986 c 300 § 5.]

**Legislative findings—Severability—1986 c 300:** See notes following RCW 18.72.040.

**18.72.170 through 18.72.180 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.72.201 through 18.72.260 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.72.265 Disciplinary reports—Contents confidential—Immunity.** (1) The contents of any report file under RCW 18.130.070 shall be confidential and exempt from public disclosure pursuant to chapter 42.17 RCW, except that it may be reviewed (a) by the licensee involved or his counsel or authorized representative who may submit any additional exculpatory or explanatory statements or other information, which statements or other information shall be included in the file, or (b) by a representative of the medical disciplinary board, or investigator thereof, who has been assigned to review the activities of a licensed physician.

Upon a determination that a report is without merit, the board's records may be purged of information relating to the report.

(2) Every individual, medical association, medical society, hospital, medical service bureau, health insurance carrier or agent, professional liability insurance carrier, professional standards review organization, and agency of the federal, state, or local government shall be immune from civil liability, whether direct or derivative, for providing information to the board subsequent to RCW 18.130.070, or for which an individual health care provider has immunity under the provisions of RCW 4.24.240, 4.24.250, or 4.24.260, as now or hereafter amended. [1986 c 259 § 117; 1979 ex.s. c 111 § 15.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**Severability—1979 ex.s. c 111:** See note following RCW 18.72.060.

**18.72.270 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.72.271 Decodified.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.72.275 through 18.72.330 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.72.340 Duty of professional liability insurers to report malpractice settlements and awards.** (1) Every institution or organization providing professional liability insurance to physicians shall send a complete report to the medical disciplinary board of all malpractice settlements, awards, or payments in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured physician's incompetency or negligence in the practice of medicine. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a year as the result of the alleged physician's incompetence or negligence in the practice of medicine regardless of the dollar amount of the award or payment.

(2) Reports required by this section shall be made within sixty days of the date of the settlement or verdict. Failure to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars. [1986 c 300 § 6.]

**Legislative findings—Severability—1986 c 300:** See notes following RCW 18.72.040.

### Chapter 18.73

#### EMERGENCY MEDICAL CARE AND TRANSPORTATION SERVICES

##### Sections

18.73.020 Supersession of local ordinances, regulations, requirements and fees.

**18.73.020 Supersession of local ordinances, regulations, requirements and fees.** The legislature further declares its intention to supersede all ordinances, regulations, and requirements promulgated by counties, cities and other political subdivisions of the state of Washington, insofar as they may provide for the regulation of emergency medical care, first aid, and ambulance services which do not exceed the provisions of this chapter; except that (1) license fees established in this chapter shall supersede all license fees of counties, cities and other political subdivisions of this state; and, (2) nothing in this chapter shall alter the provisions of RCW 18.71.200, 18.71.210 and 18.71.220. [1986 c 259 § 118; 1973 1st ex.s. c 208 § 2.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

### Chapter 18.74

#### PHYSICAL THERAPY

##### Sections

18.74.023 Board—Powers and duties.  
18.74.028 Repealed.  
18.74.029 Application of uniform disciplinary act.

18.74.080 through 18.74.088 Repealed.  
18.74.090 False advertising—Use of name and words—Duty of attorney general and prosecuting attorneys.  
18.74.100 Repealed.

**18.74.023 Board—Powers and duties.** The board has the following powers and duties:

(1) To administer examinations to applicants for a license under this chapter.

(2) To pass upon the qualifications of applicants for a license and to certify to the director duly qualified applicants.

(3) To make such rules not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter.

(4) To establish and administer requirements for continuing professional education as may be necessary or proper to ensure the public health and safety and which may be a prerequisite to granting and renewing a license under this chapter.

(5) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

(6) To adopt rules not inconsistent with the laws of this state, when it deems appropriate, in response to questions put to it by professional health associations, physical therapists, and consumers in this state concerning the authority of physical therapists to perform particular acts. [1986 c 259 § 124; 1983 c 116 § 4.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.74.028 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.74.029 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter. [1986 c 259 § 123.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.74.080 through 18.74.088 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.74.090 False advertising—Use of name and words—Duty of attorney general and prosecuting attorneys.** A person who is not licensed with the director of licensing as a physical therapist under the requirements of this chapter shall not represent himself as being so licensed and shall not use in connection with his name the words or letters "P.T.", "R.P.T.", "L.P.T.", "physical therapy", "physiotherapy", "physical therapist" or "physiotherapist", or any other letters, words, signs, numbers, or insignia indicating or implying that he is a physical therapist. Nothing in this chapter prohibits any person licensed in this state under any other act from engaging in the practice for which he or she is licensed. It shall be the duty of the prosecuting attorney of each county to prosecute all cases involving a violation of this chapter arising within his county. The attorney general may assist in such prosecution and shall appear at all

hearings when requested to do so by the board. [1986 c 259 § 125; 1983 c 116 § 18; 1961 c 64 § 8; 1949 c 239 § 9; Rem. Supp. 1949 § 10163-9.]

**Severability**—1986 c 259: See note following RCW 18.130.010.  
*False advertising: Chapter 9.04 RCW.*

**18.74.100 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 18.78 PRACTICAL NURSES

#### Sections

18.78.050	Duties of board—Rules.
18.78.053	Repealed.
18.78.054	Application of uniform disciplinary act.
18.78.070	Licenses for persons from foreign countries.
18.78.090	Renewal.
18.78.135	through 18.78.155 Repealed.
18.78.165	through 18.78.175 Repealed.

**18.78.050 Duties of board—Rules.** The board shall conduct examinations for all applicants for licensure under this chapter and shall certify qualified applicants to the department of licensing for licensing. The board shall also determine and formulate what constitutes the curriculum for an approved practical nursing program preparing persons for licensure under this chapter. The board shall establish criteria for licensure by endorsement.

The board shall adopt such rules as are necessary to fulfill the purposes of this chapter pursuant to chapter 34.04 RCW. [1986 c 259 § 129; 1983 c 55 § 6; 1979 c 158 § 64; 1967 c 79 § 3; 1949 c 222 § 5; Rem. Supp. 1949 § 10173-31.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.78.053 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.78.054 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter. [1986 c 259 § 128.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.78.070 Licenses for persons from foreign countries.** An applicant graduated from a nursing program outside the United States and licensed by a country outside the United States shall meet all qualifications required by this chapter and by the board and shall pass an examination to be determined by the board. [1986 c 259 § 130; 1983 c 55 § 9; 1949 c 222 § 7; Rem. Supp. 1949 § 10173-33.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.78.090 Renewal.** Every licensed practical nurse in this state shall renew the license with the department of licensing and shall pay a fee determined by the director as provided in RCW 43.24.086. Any failure to register

and pay the renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor and upon payment to the state of a penalty fee determined by the director as provided in RCW 43.24.086. [1986 c 259 § 131; 1985 c 7 § 66; 1983 c 55 § 10; 1979 c 158 § 66; 1975 1st ex.s. c 30 § 69; 1971 ex.s. c 266 § 14; 1967 c 79 § 4; 1963 c 15 § 4; 1949 c 222 § 10; Rem. Supp. 1949 § 10173-36.]

**Reviser's note:** This section was amended by 1986 c 259 § 131 without reference to its amendment by 1985 c 7 § 66. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2).

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.78.135 through 18.78.155 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.78.165 through 18.78.175 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 18.83 PSYCHOLOGISTS.

#### Sections

18.83.020	License required—Use of "psychology" or terms of like import.
18.83.035	Examining board—Composition—Terms—Chairperson.
18.83.050	Examining board—Powers and duties.
18.83.053	Repealed.
18.83.080	Licenses—Issuance—Display.
18.83.100	Licenses—Failure to renew.
18.83.115	Duty to disclose information to client.
18.83.130	Denial, suspension, revocation of license.
18.83.168	Judgments for professional negligence—Notification of disciplinary committee.
18.83.190	Injunction.
18.83.200	Exemptions.

**18.83.020 License required—Use of "psychology" or terms of like import.** (1) To safeguard the people of the state of Washington from the dangers of unqualified and improper practice of psychology, it is unlawful for any person to whom this chapter applies to represent himself or herself to be a psychologist without first obtaining a license as provided in this chapter.

(2) A person represents himself or herself to be a psychologist when the person adopts or uses any title or any description of services which incorporates one or more of the following terms: "psychology," "psychological," "psychologist," or any term of like import. [1986 c 27 § 1; 1965 c 70 § 2; 1955 c 305 § 2.]

**18.83.035 Examining board—Composition—Terms—Chairperson.** There is created the examining board of psychology which shall examine the qualifications of applicants for licensing. The board shall consist of seven psychologists and two public members, all appointed by the governor. The public members shall not be and have never been psychologists or in training to be psychologists; they may not have any household member



who is a psychologist or in training to be a psychologist; they may not participate or ever have participated in a commercial or professional field related to psychology, nor have a household member who has so participated; and they may not have had within two years before appointment a substantial financial interest in a person regulated by the board. Each psychologist member of the board shall be a citizen of the United States who has actively practiced psychology in the state of Washington for at least three years immediately preceding appointment and who is licensed under this chapter. Each member of the board shall serve for a term of five years. Upon the death, resignation, or removal of a member, the governor shall appoint a successor to serve for the unexpired term. The board shall elect one of its members to serve as chairperson. [1986 c 27 § 2; 1984 c 279 § 76.]

**Severability—1984 c 279:** See RCW 18.130.901.

**18.83.050 Examining board—Powers and duties.**

(1) The board shall adopt such rules as it deems necessary to carry out its functions.

(2) The board shall examine the qualifications of applicants for licensing under this chapter, to determine which applicants are eligible for licensing under this chapter and shall forward to the director the names of applicants so eligible.

(3) The board shall administer examinations to qualified applicants on at least an annual basis. The board shall determine the subject matter and scope of the examinations and shall require both written and oral examinations of each applicant, except as provided in RCW 18.83.170. The board may allow applicants to take the written examination upon the granting of their doctoral degree before completion of their internship for supervised experience.

(4) The board shall keep a complete record of its own proceedings, of the questions given in examinations, of the names and qualifications of all applicants, and the names and addresses of all licensed psychologists. The examination paper of such applicant shall be kept on file for a period of at least one year after examination.

(5) The board shall, by rule, adopt a code of ethics for psychologists which is designed to protect the public interest.

(6) The board shall create a disciplinary committee within the board for the purposes of hearing, examining, and ruling on complaints and evidence of unethical conduct or practices brought by the public, other psychologists, organizations, corporations, public or private agencies, or officers, agencies, or instrumentalities of state, county, or local governments.

(7) The board may require that persons licensed under this chapter as psychologists obtain and maintain professional liability insurance in amounts determined by the board to be practicable and reasonably available. [1986 c 27 § 3; 1984 c 279 § 78; 1965 c 70 § 5; 1955 c 305 § 5.]

**Severability—1984 c 279:** See RCW 18.130.901.

**18.83.053 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.83.080 Licenses—Issuance—Display.** Upon forwarding to the director by the board of the name of each applicant entitled to a license under this chapter, the director shall promptly issue to such applicant a license authorizing such applicant to use the title "psychologist" for a period of one year. Said license shall be in such form as the director shall determine. Each licensed psychologist shall keep his or her license displayed in a conspicuous place in his or her principal place of business. [1986 c 27 § 4; 1965 c 70 § 8; 1955 c 305 § 8.]

**18.83.100 Licenses—Failure to renew.** Failure to renew a license as provided in this chapter shall suspend such license. A license holder whose license has been suspended for failure to renew may reinstate such license by paying to the state treasurer the renewal fees for all of the years in which such failure occurred, together with a renewal fee for the current year, but not to exceed five years. However, no renewal license shall be issued unless the board shall find that the applicant has not violated any provision of this chapter since his or her license was suspended. [1986 c 27 § 5; 1965 c 70 § 10; 1955 c 305 § 10.]

**18.83.115 Duty to disclose information to client.** (1) Psychologists licensed under this chapter shall provide clients at the commencement of any program of treatment with accurate disclosure information concerning their practice, in accordance with guidelines developed by the board, which will inform clients of the purposes of and resources available under this chapter, including the right of clients to refuse treatment, the responsibility of clients for choosing the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter. The disclosure information provided by the psychologist, the receipt of which shall be acknowledged in writing by the psychologist and client, shall include any relevant education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, any financial requirements, and such other information as the board may require by rule.

(2) In in-patient settings, the health facility shall provide clients with the disclosure statement at the commencement of any program of treatment, and shall post the statement in a conspicuous location accessible to the client.

(3) The board shall provide for modification of the guidelines as appropriate in cases where the client has been referred by the court, a state agency, or other governmental body to a particular provider for specified evaluation or treatment. [1986 c 27 § 9.]

**18.83.130 Denial, suspension, revocation of license.** The board shall refuse to grant a license to any applicant and shall revoke or suspend the license of any psychologist, or place other restrictions on that

psychologist's practice of psychology, for the following reasons:

(1) Commission of any act involving moral turpitude, as defined by the board by rule, dishonesty, or corruption, which relates directly to a person's fitness to practice psychology, whether that act constitutes a crime or not; and if the act constitutes a crime, conviction thereof in criminal proceeding shall not be a condition precedent to disciplinary action. Upon conviction, the judgment and sentence shall be conclusive evidence at any ensuing disciplinary hearing of guilt of the psychologist of the crime described in the indictment or information and of the violation of the statute upon which it is based.

(2) Failing to maintain the confidentiality of information under RCW 18.83.110.

(3) Violations of the ethical code developed by the board under RCW 18.83.050 and 18.83.120.

(4) Failing to inform prospective research subjects or their authorized representatives of the possible serious effects of participation in research; and failing to undertake reasonable efforts to remove possible harmful effects of participation.

(5) Practicing in an area of psychology for which the person is clearly untrained or incompetent.

(6) Being negligent in the practice of psychology.

(7) Failing to exercise appropriate supervision over persons who practice under the supervision of a psychologist.

(8) Using fraud or deceit in the procurement of the psychology license, or knowingly assisting another in the procurement of such a license through fraud or deceit.

(9) Engaging in the practice of psychology while the person's ability to perform professional services is significantly impaired by alcohol, drugs, illness, or other dysfunctions.

(10) Engaging in the practice of psychology when the person's psychology license has been suspended or revoked by competent authority in any other state, federal, or foreign jurisdiction when the reason for that suspension or revocation is a violation of this chapter or rules adopted by the board and its disciplinary committee.

(11) Unprofessional conduct as defined in chapter 19.68 RCW.

(12) Wilful violation of RCW 18.83.120 or 18.83.145 or wilful disregard of the subpoena or notice of the disciplinary committee.

(13) Failure to abide by the terms of corrective actions directed under RCW 18.83.145.

(14) Violation of any board rule fixing a standard of professional conduct.

(15) Failure to maintain professional liability insurance when required by the board. [1986 c 27 § 6; 1984 c 279 § 85; 1965 c 70 § 13; 1955 c 305 § 12.]

**Severability**—1984 c 279: See RCW 18.130.901.

*Violation of chapter 69.50 RCW, the Uniform Controlled Substances Act—Suspension of license: RCW 69.50.413.*

**18.83.168 Judgments for professional negligence—Notification of disciplinary committee.** Upon entering a

judgment for professional negligence against a psychologist or a criminal conviction relating to professional confidence, a court shall transmit a copy of the judgment and any findings of fact to the disciplinary committee. [1986 c 27 § 7.]

**18.83.190 Injunction.** If any person represents himself or herself to be a psychologist, unless the person is exempt from the provisions of this chapter, without possessing a valid license, certificated qualification, or a temporary permit to do so, or if he or she violates any of the provisions of this chapter, any prosecuting attorney, the director, or any citizen of the same county may maintain an action in the name of the state to enjoin such person from representing himself or herself as a psychologist. The injunction shall not relieve the person from criminal prosecution, but the remedy by injunction shall be in addition to the liability of such offender to criminal prosecution and to suspension or revocation of his or her license. [1986 c 27 § 8; 1965 c 70 § 24.]

**18.83.200 Exemptions.** This chapter shall not apply to:

(1) Any person teaching, lecturing, consulting, or engaging in research in psychology but only insofar as such activities are performed as a part of or are dependent upon a position in a college or university in the state of Washington.

(2) Any person who holds a valid school psychologist credential from the Washington state board of education but only when such a person is practicing psychology in the course of his or her employment.

(3) Any person employed by a local, state, or federal government agency whose psychologists must qualify for employment under federal or state certification or civil service regulations; but only at those times when that person is carrying out the functions of his or her employment.

(4) Any person who must qualify under the employment requirements of a business or industry and who is employed by a business or industry which is not engaged in offering psychological services to the public, but only when such person is carrying out the functions of his or her employment: *Provided*, That no person exempt from licensing under this subsection shall engage in the clinical practice of psychology.

(5) Any person who is a student of psychology, psychological intern, or resident in psychology preparing for the profession of psychology under supervision in a training institution or facilities and who is designated by the title such as "psychological trainee," "psychology student," which thereby indicates his or her training status.

(6) Any person who has received a doctoral degree from an accredited institution of higher learning with an adequate major in sociology or social psychology as determined by the board and who has passed comprehensive examinations in the field of social psychology as part of the requirements for the doctoral degree. Such persons may use the title "social psychologist" provided

that they file a statement of their education with the board. [1986 c 27 § 10; 1965 c 70 § 19.]

**Chapter 18.88  
REGISTERED NURSES**

Sections

- 18.88.085 Repealed.
- 18.88.086 Application of uniform disciplinary act.
- 18.88.210 Repealed.
- 18.88.230 through 18.88.265 Repealed.
- 18.88.270 Violations—Penalty.

**18.88.085 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.88.086 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter. [1986 c 259 § 135.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.88.210 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.88.230 through 18.88.265 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.88.270 Violations—Penalty.** It shall be a gross misdemeanor for any person to:

- (1) Sell or fraudulently obtain or furnish any nursing diploma, license, record or registration, or aid or abet therein;
- (2) Practice nursing as defined by this chapter under cover of any diploma, license, record or registration illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation or mistake of fact in a material regard; or
- (3) Otherwise violate any of the provisions of this chapter. [1986 c 259 § 136; 1973 c 133 § 26; 1949 c 202 § 27; Rem. Supp. 1949 § 10173–25.]

**Savings—1986 c 259 §§ 136, 137:** "The repeal of RCW 18.88.230 and the amendment of RCW 18.88.270 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before June 11, 1986." [1986 c 259 § 138.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**Severability—1973 c 133:** See note following RCW 18.88.010.

**Chapter 18.92  
VETERINARY MEDICINE, SURGERY AND  
DENTISTRY**

Sections

- 18.92.030 General duties of board.
- 18.92.033 Repealed.
- 18.92.045 Repealed.
- 18.92.046 Application of uniform disciplinary act.
- 18.92.050 Repealed.

- 18.92.070 Applications—Procedure—Qualifications—Eligibility to take examination.
- 18.92.120 License—Temporary certificates, restrictions.
- 18.92.125 Animal technicians.
- 18.92.160 through 18.92.220 Repealed.
- 18.92.235 Repealed.

**18.92.030 General duties of board.** It shall be the duty of the board to prepare examination questions, conduct examinations, and grade the answers of applicants. The board, pursuant to chapter 34.04 RCW, shall have the power to adopt such rules and regulations as may be necessary to effectuate the purposes of this chapter including the performance of the duties and responsibilities of animal technicians: *Provided, however,* That such rules are adopted in the interest of good veterinary health care delivery to the consuming public, and do not prevent animal technicians from inoculating an animal. The board shall further have the power to adopt, by reasonable rules and regulations, standards prescribing requirements for veterinary medical facilities and to fix minimum standards of continuing veterinary medical education.

The department shall be the official office of record. [1986 c 259 § 140; 1983 c 102 § 2; 1982 c 134 § 2; 1981 c 67 § 23; 1974 ex.s. c 44 § 2; 1967 ex.s. c 50 § 3; 1961 c 157 § 2; 1959 c 92 § 4; 1941 c 71 § 4; Rem. Supp. 1941 § 10040–4. FORMER PART OF SECTION: 1941 c 71 § 9; Rem. Supp. 1941 § 10040–9 now codified as RCW 18.92.035.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**Effective dates—Severability—1981 c 67:** See notes following RCW 34.12.010.

**18.92.033 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.92.045 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.92.046 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter. [1986 c 259 § 139.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.92.050 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.92.070 Applications—Procedure—Qualifications—Eligibility to take examination.** No person, unless registered or licensed to practice veterinary medicine, surgery, and dentistry in this state at the time this chapter shall become operative, shall begin the practice of veterinary medicine, surgery and dentistry without first applying for and obtaining a license for such purpose from the director. In order to procure a license to practice veterinary medicine, surgery, and dentistry in the state of Washington, the applicant for such license shall file his or her application at least sixty days prior

to date of examination upon a form furnished by the director of licensing, which, in addition to the fee provided by this chapter, shall be accompanied by satisfactory evidence that he or she is at least eighteen years of age and of good moral character, and by official transcripts or other evidence of graduation from a veterinary college satisfactory to and approved by the board. Said application shall be signed by the applicant and sworn to by him or her before some person authorized to administer oaths. When such application and the accompanying evidence are found satisfactory, the director shall notify the applicant to appear before the board for the next examination. In addition, applicants shall be subject to grounds for denial or issuance of a conditional license under chapter 18.130 RCW.

Nothing in this chapter shall preclude the board from permitting a person who has completed a portion of his or her educational program as determined by the board, in a veterinary college recognized by the board, to take the examination or any part thereof prior to satisfying the requirements for application for a license: *Provided however*, That no license shall be issued to such applicant until such requirements are satisfied. [1986 c 259 § 141; 1982 c 134 § 3; 1979 c 158 § 72; 1974 ex.s. c 44 § 5; 1971 ex.s. c 292 § 28; 1941 c 71 § 6; Rem. Supp. 1941 § 10040-6. Formerly RCW 18.92.050, part, 18.92.070, part, and 18.92.080, part.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**Severability**—1971 ex.s. c 292: See note following RCW 26.28.010.

**18.92.120 License—Temporary certificates, restrictions.** Any person who shall make application for examination, as provided by RCW 18.92.070, and who has not previously failed to pass the veterinary examination, and whose application is found satisfactory by the director, may be given a temporary certificate to practice veterinary medicine, surgery and dentistry valid only until the results of the next examination for licenses are available. In addition, applicants shall be subject to the grounds for denial or issuance of a conditional license under chapter 18.130 RCW. No more than one temporary certificate may be issued to any applicant. Such permittee shall be employed by a licensed veterinary practitioner or by the state of Washington. [1986 c 259 § 142; 1967 ex.s. c 50 § 8; 1959 c 92 § 9; 1941 c 71 § 11; 1907 c 124 § 11; Rem. Supp. 1941 § 10040-11.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.92.125 Animal technicians.** No veterinarian who uses the services of an animal technician shall be considered as aiding and abetting any unlicensed person to practice veterinary medicine. A veterinarian shall retain professional and personal responsibility for any act which constitutes the practice of veterinary medicine as defined in this chapter when performed by an animal technician in his employ. [1986 c 259 § 143; 1983 c 102 § 5; 1974 ex.s. c 44 § 6.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**18.92.160 through 18.92.220 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.92.235 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

## Chapter 18.100

### PROFESSIONAL SERVICE CORPORATIONS

#### Sections

- |            |  |
|------------|--|
| 18.100.050 | Organization of professional service corporations authorized generally—Provisions applicable to architects, engineers, and health care professionals—Nonprofit corporations. |
| 18.100.130 | Application of business corporation act and nonprofit corporation act.   |
| 18.100.132 | Nonprofit professional service corporations formed under prior law.  |
| 18.100.133 | Business corporations under Title 23A RCW may elect to conform with this chapter.  |
| 18.100.134 | Professional services—Deletion from stated purposes of corporation.  |

**18.100.050 Organization of professional service corporations authorized generally—Provisions applicable to architects, engineers, and health care professionals—Nonprofit corporations.** An individual or group of individuals duly licensed or otherwise legally authorized to render the same professional services within this state may organize and become a shareholder or shareholders of a professional corporation for pecuniary profit under the provisions of Title 23A RCW for the purpose of rendering professional service: *Provided*, That one or more of such legally authorized individuals shall be the incorporators of such professional corporation: *Provided further*, That notwithstanding any other provision of this chapter, registered architects and registered engineers may own stock in and render their individual professional services through one professional service corporation: *Provided further*, That licensed health care professionals, providing services to enrolled participants either directly or through arrangements with a health maintenance organization registered under chapter 48.46 RCW or federally qualified health maintenance organization, may own stock in and render their individual professional services through one professional service corporation: *And provided further*, That professionals may organize a nonprofit nonstock corporation under this chapter and chapter 24.03 RCW to provide professional services, and the provisions of this chapter relating to stock and referring to Title 23A RCW shall not apply to any such corporation. [1986 c 261 § 1; 1983 c 100 § 1; 1969 c 122 § 5.]

**18.100.130 Application of business corporation act and nonprofit corporation act.** (1) For a professional service corporation organized for pecuniary profit under this chapter, the provisions of Title 23A RCW shall be applicable except to the extent that any of the provisions of this chapter are interpreted to be in conflict with the provisions thereof, and in such event the provisions and

sections of this chapter shall take precedence with respect to a corporation organized pursuant to the provisions of this chapter.

(2) For a professional service corporation organized under this chapter and chapter 24.03 RCW as a nonprofit nonstock corporation, the provisions of chapter 24.03 RCW shall be applicable except to the extent that any of the provisions of this chapter are interpreted to be in conflict with the provisions thereof, and in such event the provisions and sections of this chapter shall take precedence with respect to a corporation organized under the provisions of this chapter. [1986 c 261 § 2; 1983 c 51 § 6; 1969 c 122 § 13.]

**18.100.132 Nonprofit professional service corporations formed under prior law.** A nonprofit professional service corporation formed pursuant to \*chapter 431, Laws of 1985, may amend its articles of incorporation at any time before July 31, 1987, to comply with the provisions of this chapter. Compliance under this chapter shall relate back and take effect as of the date of formation of the corporation under \*chapter 431, Laws of 1985, and the corporate existence shall be deemed to have continued without interruption from that date. [1986 c 261 § 4.]

\*Reviser's note: Chapter 431, Laws of 1985 enacted RCW 24.03-.038, which was repealed by 1986 c 261 § 7.

**18.100.133 Business corporations under Title 23A RCW may elect to conform with this chapter.** A business corporation formed under the provisions of Title 23A RCW may amend its articles of incorporation to change its stated purpose to the rendering of professional services and to conform to the requirements of this chapter. Upon the effective date of such amendment, the corporation shall be subject to the provisions of this chapter and shall continue in existence as a professional corporation under this chapter. [1986 c 261 § 5.]

**18.100.134 Professional services—Deletion from stated purposes of corporation.** A professional corporation may amend its articles of incorporation to delete from its stated purposes the rendering of professional services and to conform to the requirements of Title 23A RCW, or to the requirements of chapter 24.03 RCW if organized pursuant to RCW 18.100.050 as a nonprofit nonstock corporation. Upon the effective date of such amendment, the corporation shall no longer be subject to the provisions of this chapter and shall continue in existence as a corporation under Title 23A RCW or chapter 24.03 RCW. [1986 c 261 § 3; 1983 c 51 § 9.]

**Chapter 18.108**

**MESSAGE OPERATORS AND BUSINESSES**

Sections	
18.108.075	Repealed.
18.108.076	Application of uniform disciplinary act.
18.108.080	Repealed.
18.108.170	Repealed.

**18.108.075 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.108.076 Application of uniform disciplinary act.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter. [1986 c 259 § 146.]

Severability—1986 c 259: See note following RCW 18.130.010.

**18.108.080 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.108.170 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**Chapter 18.130**

**UNIFORM DISCIPLINARY ACT—HEALTH AND HEALTH-RELATED PROFESSIONS**

Sections	
18.130.010	Intent.
18.130.020	Definitions.
18.130.030	Repealed.
18.130.040	Application of chapter to certain professions—Authority of director—Authority to grant or deny licenses.
18.130.070	Disciplining authority may adopt rules requiring reports—Court orders—Immunity from liability—Licensees required to report.
18.130.080	Unprofessional conduct by license holder or applicant—Complaint—Investigation—Immunity of complainant.
18.130.090	Statement of charge—Request for hearing—Notice.
18.130.130	Orders—When effective—Stay.
18.130.160	Finding of unprofessional conduct—Orders—Sanctions—Stay—Costs.
18.130.170	Capacity of license holder to practice—Hearing—Mental or physical examination—Implied consent.
18.130.180	Unprofessional conduct.
18.130.185	Injunctive relief for violations of RCW 18.130.170 or 18.130.180.
18.130.190	Practice without license—Investigation of complaints—Temporary cease and desist orders—Injunctions—Penalty.
18.130.200	Fraud or misrepresentation in obtaining a license—Penalty.
18.130.210	Commission of crime by license holder—Notice to attorney general or county prosecuting attorney.
18.130.900	Short title—Applicability.

**18.130.010 Intent.** It is the intent of the legislature to strengthen and consolidate disciplinary procedures for the licensed health and health-related professions and businesses by providing a uniform disciplinary act with standardized procedures for the enforcement of laws the purpose of which is to assure the public of the adequacy of professional competence and conduct in the healing arts.

It is also the intent of the legislature that all health and health-related professions newly credentialed by the state come under the uniform disciplinary act.

Further, the legislature declares that the addition of public members on all health care boards can give both

the state and the public, which it has a statutory responsibility to protect, assurances of accountability and confidence in the various practices of health care. [1986 c 259 § 1; 1984 c 279 § 1.]

**Severability—1986 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." [1986 c 259 § 152.]

**18.130.020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Disciplining authority" means (a) the board of medical examiners, the board of dental examiners, and the board of chiropractic examiners with respect to applicants for a license for the respective professions, (b) the medical disciplinary board, the dental disciplinary board, and the chiropractic disciplinary board with respect to holders of licenses for the respective professions, or (c) the agency or board having the authority to take disciplinary action against a holder of, or applicant for, a professional or business license upon a finding of a violation of this chapter or a chapter specified under RCW 18.130.040.

(2) "Department" means the department of licensing.

(3) "Director" means the director of licensing or the director's designee.

(4) "Board" means any of those boards specified in RCW 18.130.040.

(5) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.130.040 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a consumer, through offerings, advertisements, or use of a professional title or designation, that the individual is qualified to practice a profession or operate a business identified in RCW 18.130.040, without holding a valid, unexpired, unrevoked, and unsuspended license to do so.

(6) "Disciplinary action" means sanctions identified in RCW 18.130.160.

(7) "Practice review" means an investigative audit of records related to the complaint, without prior identification of specific patient or consumer names, to determine whether unprofessional conduct may have been committed.

(8) "Health agency" means city and county health departments and the department of social and health services.

(9) "License," "licensing," and "licensure" shall be deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.120.020. [1986 c 259 § 2; 1984 c 279 § 2.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.130.030 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**18.130.040 Application of chapter to certain professions—Authority of director—Authority to grant or deny licenses.** (1) This chapter applies only to the director and the boards having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2) (a) The director has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Drugless healers licensed under chapter 18.36 RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW; and

(vii) Acupuncturists certified under chapter 18.106 RCW.

(b) The boards having authority under this chapter are as follows:

(i) The podiatry board as established in chapter 18.22 RCW;

(ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;

(iii) The dental disciplinary board as established in chapter 18.32 RCW;

(iv) The board of funeral directors and embalmers as established in chapter 18.39 RCW;

(v) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vi) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(vii) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(viii) The board of physical therapy as established in chapter 18.74 RCW;

(ix) The board of occupational therapy practice as established in chapter 18.59 RCW;

(x) The board of practical nursing as established in chapter 18.78 RCW;

(xi) The board of nursing as established in chapter 18.88 RCW; and

(xii) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW,

the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32-.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority. [1986 c 259 § 3; 1985 c 326 § 29; 1984 c 279 § 4.]

**Reviser's note:** This section was amended by 1986 c 259 § 3 without reference to its amendment by 1985 c 326 § 29. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2).

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.130.070 Disciplining authority may adopt rules requiring reports—Court orders—Immunity from liability—Licensees required to report.** (1) The disciplining authority may adopt rules requiring any person, including, but not limited to, licensees, corporations, organizations, health care facilities, and state or local governmental agencies, to report to the disciplining authority any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct, or to report information which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition. To facilitate meeting the intent of this section, the cooperation of agencies of the federal government is requested by reporting any conviction, determination, or finding that a federal employee or contractor regulated by the disciplinary authorities enumerated in this chapter has committed an act which constituted unprofessional conduct and reporting any information which indicates that a federal employee or contractor regulated by the disciplinary authorities enumerated in this chapter may not be able to practice his or her profession with reasonable skill and safety as a result of a mental or physical condition.

(2) If a person fails to furnish a required report, the disciplining authority may petition the superior court of the county in which the person resides or is found, and the court shall issue to the person an order to furnish the required report. A failure to obey the order shall be punished by the court as civil contempt.

(3) A person is immune from civil liability, whether direct or derivative, for providing information to the disciplining authority pursuant to the rules adopted under subsection (1) of this section.

(4) The holder of a license subject to the jurisdiction of this chapter shall report to the disciplining authority any conviction, determination, or finding that the licensee has committed unprofessional conduct or is unable to practice with reasonable skill or safety. Failure to report within thirty days of notice of the conviction, determination, or finding constitutes grounds for disciplinary action. [1986 c 259 § 4; 1984 c 279 § 7.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.130.080 Unprofessional conduct by license holder or applicant—Complaint—Investigation—Immunity of complainant.** A person, including but not limited to consumers, licensees, corporations, organizations, health care facilities, and state and local governmental agencies, may submit a written complaint to the disciplining authority charging a license holder or applicant with unprofessional conduct and specifying the grounds therefor. If the disciplining authority determines that the complaint merits investigation, or if the disciplining authority has reason to believe, without a formal complaint, that a license holder or applicant may have engaged in unprofessional conduct, the disciplining authority shall investigate to determine whether there has been unprofessional conduct. A person who files a complaint under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint. [1986 c 259 § 5; 1984 c 279 § 8.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.130.090 Statement of charge—Request for hearing—Notice.** (1) If the disciplining authority determines, upon investigation, that there is reason to believe a violation of RCW 18.130.180 has occurred, a statement of charge or charges shall be prepared and served upon the license holder or applicant at the earliest practical time. The statement of charge or charges shall be accompanied by a notice that the license holder or applicant may request a hearing to contest the charge or charges. The license holder or applicant must file a request for hearing with the disciplining authority within twenty days after being served the statement of charges. The failure to request a hearing constitutes a default, whereupon the disciplining authority may enter a decision on the basis of the facts available to it.

(2) If a hearing is requested, the time of the hearing shall be fixed by the disciplining authority as soon as convenient, but the hearing shall not be held earlier than thirty days after service of the charges upon the license holder or applicant. A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of the hearing. The notice shall also notify the license holder or applicant that a record of the proceeding will be kept, that he or she will have the opportunity to appear personally and to have counsel present, with the right to produce witnesses, who will be subject to cross-examination, and evidence in his or her own behalf, to cross-examine witnesses testifying against him or her, to examine such documentary evidence as may be produced against him or her, to conduct depositions, and to have subpoenas issued by the disciplining authority. [1986 c 259 § 6; 1984 c 279 § 9.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.130.130 Orders—When effective—Stay.** An order pursuant to proceedings authorized by this chapter, after due notice and findings in accordance with this chapter and chapter 34.04 RCW, or an order of summary suspension entered under this chapter, shall take effect immediately upon its being served. The order, if

appealed to the court, shall not be stayed pending the appeal unless the disciplining authority or court to which the appeal is taken enters an order staying the order of the disciplining authority, which stay shall provide for terms necessary to protect the public. [1986 c 259 § 7; 1984 c 279 § 13.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.130.160 Finding of unprofessional conduct—Orders—Sanctions—Stay—Costs.** Upon a finding that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority may issue an order providing for one or any combination of the following:

- (1) Revocation of the license;
- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation of the practice;
- (4) Requiring the satisfactory completion of a specific program of remedial education or treatment;
- (5) The monitoring of the practice by a supervisor approved by the disciplining authority;
- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;
- (8) Payment of a fine for each violation of this chapter, not to exceed one thousand dollars per violation. Funds received shall be placed in the health professions account;
- (9) Denial of the license request;
- (10) Corrective action;
- (11) Refund of fees billed to and collected from the consumer.

Any of the actions under this section may be totally or partly stayed by the disciplining authority. In determining what action is appropriate, the disciplining authority must first consider what sanctions are necessary to protect or compensate the public. Only after such provisions have been made may the disciplining authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant. [1986 c 259 § 8; 1984 c 279 § 16.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.130.170 Capacity of license holder to practice—Hearing—Mental or physical examination—Implied consent.** (1) If the disciplining authority believes a license holder or applicant may be unable to practice with reasonable skill and safety to consumers by reason of any mental or physical condition, a statement of charges in the name of the disciplining authority shall be served on the license holder or applicant and notice shall also be issued providing an opportunity for a hearing. The hearing shall be limited to the sole issue of the capacity of the license holder or applicant to practice with reasonable skill and safety. If the disciplining authority determines that the license holder or applicant is

unable to practice with reasonable skill and safety for one of the reasons stated in this subsection, the disciplining authority shall impose such sanctions under RCW 18.130.160 as is deemed necessary to protect the public.

(2) In enforcing this section, the disciplining authority may require a license holder or applicant to submit to a mental or physical examination by one or more licensed or certified health professionals designated by the disciplining authority. The cost of the examinations ordered by the disciplining authority shall be paid out of the health professions account. In addition to any examinations ordered by the disciplining authority, the licensee may submit physical or mental examination reports from licensed or certified health professionals of the license holder's or applicant's choosing and expense. Failure of a license holder or applicant to submit to examination when directed constitutes grounds for immediate suspension or denial of the license, consequent upon which a default and final order may be entered without the taking of testimony or presentations of evidence, unless the failure was due to circumstances beyond the person's control. A determination by a court of competent jurisdiction that a license holder or applicant is mentally incompetent or mentally ill is presumptive evidence of the license holder's or applicant's inability to practice with reasonable skill and safety. An individual affected under this section shall at reasonable intervals be afforded an opportunity to demonstrate that the individual can resume competent practice with reasonable skill and safety to the consumer.

(3) For the purpose of subsection (2) of this section, an applicant or license holder governed by this chapter, by making application, practicing, or filing a license renewal, is deemed to have given consent to submit to a mental, physical, or psychological examination when directed in writing by the disciplining authority and further to have waived all objections to the admissibility or use of the examining health professional's testimony or examination reports by the disciplining authority on the ground that the testimony or reports constitute privileged communications. [1986 c 259 § 9; 1984 c 279 § 17.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.130.180 Unprofessional conduct.** The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea



of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, the addiction to or diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the disciplining authority or an assurance of discontinuance entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the

sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The wilful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by wilful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(23) Drunkenness or habitual intemperance in the use of alcohol or addiction to alcohol;

(24) Abuse of a client or patient or sexual contact with a client or patient. [1986 c 259 § 10; 1984 c 279 § 18.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.130.185 Injunctive relief for violations of RCW 18.130.170 or 18.130.180.** If an individual or business regulated by this chapter violates RCW 18.130.170 or 18.130.180, the attorney general, any prosecuting attorney, the director, the board, or any other person may maintain an action in the name of the state of Washington to enjoin the person from committing the violations. The injunction shall not relieve the offender from criminal prosecution, but the remedy by injunction shall be in addition to the liability of the offender to criminal prosecution and disciplinary action. [1986 c 259 § 15.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.130.190 Practice without license—Investigation of complaints—Temporary cease and desist orders—Injunctions—Penalty.** (1) The director shall investigate complaints concerning practice by unlicensed individuals of a profession requiring a license. In the investigation of the complaints, the director shall have the same authority as provided the director for the investigation of complaints against license holders. The director shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has violated this subsection. If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order. The cease and desist order shall not relieve the person so practicing without a license from criminal prosecution therefor, but the remedy of a cease and desist order shall be in addition to any criminal liability.

(2) The attorney general, a county prosecuting attorney, the director, a board, or any individual may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin any individual practicing a licensed profession without a license from engaging in such practice until the required license is secured. However, the injunction shall not relieve the person so practicing without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

(3) Unlicensed practice of a profession under the jurisdiction of a disciplining authority specified in RCW 18.130.040, unless otherwise exempted by law, constitutes a gross misdemeanor. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the health professions account. [1986 c 259 § 11; 1984 c 279 § 19.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.130.200 Fraud or misrepresentation in obtaining a license—Penalty.** A person who attempts to obtain or obtains a license by wilful misrepresentation or fraudulent representation is guilty of a misdemeanor. [1986 c 259 § 12; 1984 c 279 § 20.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.130.210 Commission of crime by license holder—Notice to attorney general or county prosecuting attorney.** If the disciplining authority determines or has cause to believe that a license holder has committed a crime, the disciplining authority, immediately subsequent to issuing findings of fact and a final order, shall notify the attorney general or the county prosecuting attorney in the county in which the act took place of the facts known to the disciplining authority. [1986 c 259 § 13; 1984 c 279 § 22.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**18.130.900 Short title—Applicability.** (1) This chapter shall be known and cited as the uniform disciplinary act.

(2) This chapter applies to any conduct, acts, or conditions occurring on or after June 11, 1986.

(3) This chapter does not apply to or govern the construction of and disciplinary action for any conduct, acts, or conditions occurring prior to June 11, 1986. Such conduct, acts, or conditions must be construed and disciplinary action taken according to the provisions of law existing at the time of the occurrence in the same manner as if this chapter had not been enacted. [1986 c 259 § 14; 1984 c 279 § 24.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

## Chapter 18.135 HEALTH CARE ASSISTANTS

### Sections

18.135.020 Definitions.

- 18.135.025 Rules—Legislative intent.
- 18.135.030 Rules—Requirements for certification.
- 18.135.060 Conditions under which authorized functions may be performed—Renal dialysis (as amended by 1986 c 115).
- 18.135.060 Conditions under which authorized functions may be performed (as amended by 1986 c 216).
- 18.135.065 Delegation—Duties of delegator and delegatee.

### **18.135.020 Definitions.** As used in this chapter:

- (1) "Director" means the director of licensing.
- (2) "Health care assistant" means an unlicensed person who assists a licensed health care practitioner in providing health care to patients pursuant to this chapter.
- (3) "Health care practitioner" means:
  - (a) A physician licensed under chapter 18.71 RCW;
  - (b) An osteopathic physician or surgeon licensed under chapter 18.57 RCW; or
  - (c) Acting within the scope of their respective licensures, a podiatrist licensed under chapter 18.22 RCW or a registered nurse licensed under chapter 18.88 RCW.
- (4) "Supervision" means supervision of procedures permitted pursuant to this chapter by a health care practitioner who is physically present and is immediately available in the facility during the administration of injections, as defined in this chapter, but need not be present during procedures to withdraw blood.
- (5) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, renal dialysis center or facility federally approved under 42 C.F.R. 405.2100, blood bank federally licensed under 21 C.F.R. 607, or clinical laboratory certified under 20 C.F.R. 405.1301–16.
- (6) "Delegation" means direct authorization granted by a licensed health care practitioner to a health care assistant to perform the functions authorized in this chapter which fall within the scope of practice of the delegator and which are not within the scope of practice of the delegatee. [1986 c 115 § 2; 1984 c 281 § 2.]

**18.135.025 Rules—Legislative intent.** The legislature declares that the citizenry of the state of Washington has a right to expect that health care assistants are sufficiently educated and trained to provide the services authorized under this chapter. It is the intent of the legislature that the regulations implementing this chapter and governing the education and occupational qualifications, work experience, instruction and training of health care assistants ensure that the public health and welfare are protected. [1986 c 216 § 1.]

**18.135.030 Rules—Requirements for certification.** The director, or the director's designee, with the advice of designees of the board of medical examiners, the board of osteopathic medicine and surgery, the podiatry board, and the board of nursing, shall adopt rules necessary to administer, implement, and enforce this chapter and establish the minimum requirements necessary for a health care facility or health care practitioner to certify

a health care assistant capable of performing the functions authorized in this chapter. The rules shall establish minimum requirements for each and every category of health care assistant. Said rules shall be adopted after fair consideration of input from representatives of each category. These requirements shall ensure that the public health and welfare are protected and shall include, but not be limited to, the following factors:

(1) The education and occupational qualifications for the health care assistant category;

(2) The work experience for the health care assistant category;

(3) The instruction and training provided for the health care assistant category; and

(4) The types of drugs or diagnostic agents which may be administered by injection by health care assistants working in a hospital or nursing home. The rules established pursuant to this subsection shall not prohibit health care assistants working in a health care facility other than a nursing home or hospital from performing the functions authorized under this chapter. [1986 c 216 § 2; 1984 c 281 § 4.]

**18.135.060 Conditions under which authorized functions may be performed—Renal dialysis (as amended by 1986 c 115).** Any health care assistant certified pursuant to this chapter shall perform the functions authorized in this chapter only by delegation of authority from the health care practitioner and under the supervision of a health care practitioner acting within the scope of his or her license. In the case of subcutaneous, intradermal and intramuscular and intravenous injections, a health care assistant may perform such functions only under the supervision of a health care practitioner having authority, within the scope of his or her license, to order such procedures: Provided, That a health care assistant trained by a federally approved end-stage renal disease facility may perform venipuncture for blood withdrawal, administration of oxygen as necessary by cannula or mask, venipuncture for placement of fistula needles, intravenous administration of heparin and sodium chloride solutions as an integral part of dialysis treatment, and intradermal, subcutaneous, or topical administration of local anesthetics in conjunction with placement of fistula needles, and intraperitoneal administration of sterile electrolyte solutions and heparin for peritoneal dialysis, in the center or health care facility or in the patient's home if a registered nurse licensed under chapter 18.88 RCW is physically present and immediately available in such health care facility for patients dialyzing in the health care facility or center or for patients dialyzing at home if a physician and a registered nurse are available for consultation during the dialysis. [1986 c 115 § 1; 1984 c 281 § 6.]

**18.135.060 Conditions under which authorized functions may be performed (as amended by 1986 c 216).** Any health care assistant certified pursuant to this chapter shall perform the functions authorized in this chapter only by delegation of authority from the health care practitioner and under the supervision of a health care practitioner acting within the scope of his or her license. In the case of subcutaneous, intradermal and intramuscular and intravenous injections, a health care assistant may perform such functions only under the supervision of a health care practitioner having authority, within the scope of his or her license, to order such procedures. The health care practitioner who ordered the procedure or a health care practitioner who could order the procedure under his or her license shall be physically present in the immediate area of a hospital or nursing home where the injection is administered. Sensitivity agents being administered intradermally or by the scratch method are excluded from this requirement. [1986 c 216 § 3; 1984 c 281 § 6.]

**Reviser's note:** RCW 18.135.060 was amended twice during the 1986 legislative session, each without reference to the other.

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

**18.135.065 Delegation—Duties of delegator and delegatee.** (1) Each delegator, as defined under RCW 18.135.020(6) shall maintain a list of specific medications, diagnostic agents, and the route of administration of each that he or she has authorized for injection. Both the delegator and delegatee shall sign the above list, indicating the date of each signature. The signed list shall be forwarded to the director of the department of licensing and shall be available for review.

(2) Delegates are prohibited from administering any controlled substance as defined in \*RCW 69.50.101(2)(d), any experimental drug, and any cancer chemotherapy agent unless a delegator is physically present in the immediate area where the drug is administered. [1986 c 216 § 4.]

**\*Reviser's note:** The reference to "RCW 69.50.101(2)(d)" is erroneous. RCW 69.50.101(d) was apparently intended.

## Title 19

### BUSINESS REGULATIONS— MISCELLANEOUS

#### Chapters

- 19.09** Charitable solicitations.
- 19.27** State building code.
- 19.27A** Energy-related building standards.
- 19.28** Electricians and electrical installations.
- 19.30** Farm labor contractors.
- 19.52** Interest—Usury.
- 19.86** Unfair business practices—Consumer protection.
- 19.91** Unfair cigarette sales below cost act.
- 19.114** Used automotive oil recycling.
- 19.120** Gasoline dealer bill of rights act.
- 19.134** Credit services organization act.
- 19.138** Travel charter and tour operators. (Effective January 1, 1987.)

#### Chapter 19.09

#### CHARITABLE SOLICITATIONS

#### Sections

- 19.09.010 Purpose. (Effective January 1, 1987.)
- 19.09.020 Definitions. (Effective January 1, 1987.)
- 19.09.030 Repealed. (Effective January 1, 1987.)
- 19.09.045 Repealed. (Effective January 1, 1987.)
- 19.09.050 Repealed. (Effective January 1, 1987.)
- 19.09.065 Charitable organizations, independent fund raisers, and nonprofit fund raisers—Registration required—Public record—Registration not endorsement. (Effective January 1, 1987.)
- 19.09.069 Repealed. (Effective January 1, 1987.)
- 19.09.075 Charitable organizations—Application for registration—Contents—Fee. (Effective January 1, 1987.)
- 19.09.076 Charitable organizations—Application for registration—Exemptions. (Effective January 1, 1987.)
- 19.09.078 Nonprofit fund raisers—Application for registration—Contents—Fee. (Effective January 1, 1987.)

19.09.079	Independent fund raisers—Application for registration—Contents—Fee. (Effective January 1, 1987.)
19.09.085	Registration—Duration—Changes—Notice to reregister. (Effective January 1, 1987.)
19.09.095	Subsidiary organizations—Requirement to register—Exemptions. (Effective January 1, 1987.)
19.09.097	Charitable organizations and independent fund raisers—Registration form—Contents—Fee. (Effective January 1, 1987.)
19.09.100	Conditions applicable to solicitations. (Effective January 1, 1987.)
19.09.190	Independent fund raisers—Surety bond. (Effective January 1, 1987.)
19.09.200	Books, records and contracts. (Effective January 1, 1987.)
19.09.210	Financial statements. (Effective January 1, 1987.)
19.09.230	Using the name of another person. (Effective January 1, 1987.)
19.09.240	Using similar name, symbol, or statement. (Effective January 1, 1987.)
19.09.271	Failure to register—Late filing fee—Notice to attorney general. (Effective January 1, 1987.)
19.09.275	Violations—Penalties. (Effective January 1, 1987.)
19.09.913	Effective date—1986 c 230.

#### 19.09.010 Purpose. (Effective January 1, 1987.)

The purpose of this chapter is to provide citizens of the state of Washington with information relating to persons and organizations who solicit funds from the public for public charitable purposes in order to prevent (1) deceptive and dishonest practices in the conduct of soliciting funds for or in the name of charity; and (2) improper use of contributions intended for charitable purposes. [1986 c 230 § 1; 1973 1st ex.s. c 13 § 1.]

#### 19.09.020 Definitions. (Effective January 1, 1987.)

When used in this chapter, unless the context otherwise requires:

(1) A "bona fide officer or employee" of a charitable organization is one (a) whose conduct is subject to direct control by such organization; (b) who does not act in the manner of an independent contractor in his or her relation with the organization; and (c) whose compensation is not computed on funds raised or to be raised.

(2) "Charitable organization" means any entity that solicits or collects contributions from the general public where the contribution is or is purported to be used to support a charitable activity. "Charitable" (a) is not limited to its common law meaning unless the context clearly requires a narrower meaning; (b) does not include religious or political activities; and (c) includes, but is not limited to, educational, recreational, social, patriotic, legal defense, benevolent, or health causes.

(3) "Compensation" means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.

(4) "Contribution" means the donation, promise or grant, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation. Reference to dollar amounts of "contributions" or "solicitations" in this chapter means in the case of payments or promises to pay for merchandise or rights of any description, the value of the total amount paid or promised to be paid for such merchandise or rights less the reasonable purchase

price to the charitable organization of any such tangible merchandise, rights, or services resold by the organization, and not merely that portion of the purchase price to be applied to a charitable purpose.

(5) "Cost of solicitation" means and includes all direct and indirect costs, expenditures, debts, obligations, salaries, wages, commissions, fees, or other money or thing of value paid or incurred in making a solicitation. Cost of solicitation does not include the reasonable purchase price to the charitable organization of any tangible goods or services resold by the organization as a part of its fund raising activities.

(6) "Entity" means an individual, organization, group, association, partnership, corporation, agency or unit of state government, or any combination thereof.

(7) "General public" or "public" means any individual located in Washington state without a membership or other official relationship with a charitable organization before a solicitation by the charitable organization.

(8) "Independent fund raiser" or "independent fund-raising entity" means any entity that for compensation or other consideration, plans, conducts, manages, or administers any drive or campaign in this state for the purpose of soliciting contributions for or on behalf of any charitable organization or charitable or religious purpose, or that is engaged in the business of or is held out to persons in this state as independently engaged in the business of soliciting contributions for such purposes, or the business of planning, conducting, managing, or carrying on any drive or campaign in this state for such solicitations. However, a nonprofit fund raiser or bona fide officer or other employee of a charitable organization shall not be deemed an independent fund raiser.

(9) "Membership" means that for the payment of fees, dues, assessments, etc., an organization provides services and confers a bona fide right, privilege, professional standing, honor, or other direct benefit, in addition to the right to vote, elect officers, or hold office. The term "membership" does not include those persons who are granted a membership upon making a contribution as the result of solicitation.

(10) "Nonprofit fund raiser" means an entity registered as a nonprofit corporation under Title 24 RCW, or any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code, that solicits and receives contributions exceeding five thousand dollars in any accounting year on behalf of a charitable or religious organization other than the nonprofit corporation.

(11) "Other employee" of a charitable organization means any person (a) whose conduct is subject to direct control by such organization; (b) who does not act in the manner of any independent contractor in his or her relation with the organization; and (c) who is not engaged in the business of or held out to persons in this state as independently engaged in the business of soliciting contributions for charitable or religious purposes.

(12) "Parent organization" means that part of a charitable organization that coordinates, supervises, or exercises control over policy, fund raising, or expenditures, or assists or advises one or more chapters,

branches, or affiliates of such organization in the state of Washington.

(13) "Political activities" means those activities subject to chapter 42.17 RCW or the Federal Elections Campaign Act of 1971, as amended.

(14) "Religious activities" means those religious, evangelical, or missionary activities under the direction of a religious organization duly organized and operating in good faith that are entitled to receive a declaration of current tax exempt status for religious purposes from the United States government and the duly organized branches or chapters of those organizations.

(15) "Secretary" means the secretary of state.

(16) "Solicitation" means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

(a) Any appeal is made for any charitable purpose; or

(b) The name of any charitable organization is used as an inducement for consummating the sale; or

(c) Any statement is made that implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization.

The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

Bingo activities, raffles, and amusement games conducted under chapter 9.46 RCW and applicable rules of the Washington state gambling commission are specifically excluded and shall not be deemed a solicitation under this chapter. [1986 c 230 § 2; 1983 c 265 § 1; 1979 c 158 § 80; 1977 ex.s. c 222 § 1; 1974 ex.s. c 106 § 1; 1973 1st ex.s. c 13 § 2.]

**19.09.030 Repealed. (Effective January 1, 1987.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**19.09.045 Repealed. (Effective January 1, 1987.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**19.09.050 Repealed. (Effective January 1, 1987.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**19.09.065 Charitable organizations, independent fund raisers, and nonprofit fund raisers—Registration required—Public record—Registration not endorsement. (Effective January 1, 1987.)** (1) All charitable organizations, independent fund raisers, and nonprofit fund raisers, as defined in RCW 19.09.020, shall register with the secretary.

(2) Failure to register as required by this chapter is a violation of this chapter.

(3) Information provided to the secretary pursuant to this chapter shall be a public record.

(4) Registration shall not be considered or be represented as an endorsement by the secretary or the state of Washington. [1986 c 230 § 3; 1983 c 265 § 4.]

**19.09.069 Repealed. (Effective January 1, 1987.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**19.09.075 Charitable organizations—Application for registration—Contents—Fee. (Effective January 1, 1987.)** An application for registration as a charitable organization shall be submitted in the form prescribed by the secretary, containing, but not limited to, the following:

(1) The name, address, and telephone number of the charitable organization;

(2) The name(s) under which the organization will solicit contributions;

(3) The name, address, and telephone number of the officers of the organization;

(4) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(5) The purpose of the organization;

(6) (a) Whether the organization is exempt from federal income tax; and

(b) Whether the financial affairs of the organization are audited by an independent entity and, if so, the name and address of the entity;

(7) A solicitation report of the organization for the preceding accounting year including:

(a) The number and types of solicitations conducted;

(b) The total dollar value of support received from solicitations and from all other sources received on behalf of the charitable purpose of the charitable organization;

(c) The total amount of money applied to charitable purposes, fund raising costs, and other expenses;

(d) The name, address, and telephone number of any independent fund raiser used by the organization; and

(8) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305.

The requirements of subsection (7) (b) and (c) of this section may be satisfied by the submission of such federal tax forms as may be approved by rule of the secretary.

The application shall be signed by the president, treasurer, or comparable officer of the organization and be submitted with a nonrefundable, ten-dollar filing fee. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered. [1986 c 230 § 4; 1983 c 265 § 5.]

**19.09.076 Charitable organizations—Application for registration—Exemptions. (Effective January 1, 1987.)** The application requirements of RCW 19.09.075 do not apply to the following:

(1) Any charitable organization raising less than five thousand dollars in any accounting year when all the activities of the organization, including all fund raising activities, are carried on by persons who are unpaid for their services and no part of the charitable organization's assets or income inures to the benefit of or is paid to any officer or member of the organization;

(2) Any charitable organization located outside of the state of Washington if the organization files the following with the secretary:

(a) The registration documents required under the charitable solicitation laws of the state in which the charitable organization is located;

(b) The registration required under the charitable solicitation laws of the state of California and the state of New York; and

(c) Such federal income tax forms as may be required by rule of the secretary. [1986 c 230 § 5.]

**19.09.078 Nonprofit fund raisers—Application for registration—Contents—Fee. (Effective January 1, 1987.)** An application for registration as a nonprofit fund raiser shall be submitted in the form prescribed by the secretary and shall contain the following:

(1) The name, address, and telephone number of the organization;

(2) The name(s), address(es), and the telephone number(s) of the officers of the organization;

(3) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(4) Whether the financial affairs of the organization are audited by an independent entity, and, if so, the name and address of the entity; and

(5) A solicitation report of the organization for the preceding accounting year, including:

(a) The number and types of fund raising activities conducted on behalf of charitable organizations;

(b) The names of charitable organizations on whose behalf fund raising activities were conducted;

(c) The total value of contributions received on behalf of charitable organizations; and

(d) The amount of money disbursed to charitable organizations for charitable purposes.

The application shall be signed by the president, treasurer, or comparable officer of the organization and be submitted with a nonrefundable, ten dollar filing fee. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered. [1986 c 230 § 6.]

**19.09.079 Independent fund raisers—Application for registration—Contents—Fee. (Effective January 1, 1987.)** An application for registration as an independent fund raiser shall be submitted in the form prescribed by the secretary, containing, but not limited to, the following:

(1) The name, address, and telephone number of the independent fund-raising entity;

(2) The name(s), address(es), and telephone number(s) of the owner(s) and principal officer(s) of the independent fund-raising entity;

(3) The name, address, and telephone number of the individual responsible for the activities of the independent fund-raising entity in Washington;

(4) A list of states and Canadian provinces in which fund raising has been performed;

(5) The names of the three officers or employees receiving the greatest amount of compensation from the independent fund-raising entity;

(6) Whether the financial affairs of the independent fund raiser are audited by an independent entity, and, if so, the name and address of the entity;

(7) A solicitation report of the independent fund-raising entity for the preceding accounting year, including:

(a) The number and types of fund raising services conducted;

(b) The names of charitable organizations required to register under RCW 19.09.065 for whom fund raising services have been performed;

(c) The total value of contributions received on behalf of charitable organizations required to register under RCW 19.09.065 by the independent fund raiser, affiliate of the independent fund raiser, or any entity retained by the independent fund raiser; and

(d) The amount of money disbursed to charitable organizations for charitable purposes, net of fund raising costs paid by the charitable organization as stipulated in any agreement between charitable organizations and the independent fund raiser;

(8) The name, address, and telephone number of any independent fund raiser that was retained in the conduct of providing fund raising services; and

(9) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305.

The application shall be signed by an officer or owner of the independent fund raiser and shall be submitted with a nonrefundable, fifty-dollar filing fee. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered. [1986 c 230 § 7; 1983 c 265 § 15.]

**19.09.085 Registration—Duration—Changes—Notice to reregister. (Effective January 1, 1987.)** (1) Registration under this chapter shall be effective for one year, or the end of the organization's accounting year, whichever comes first.

(2) Reregistration required under RCW 19.09.075 and 19.09.078 shall be received by the secretary no later than the fifteenth day of the fifth month after the organization's accounting period ends.

(3) Reregistration required under RCW 19.09.079 shall be received by the secretary no later than the fifteenth day of the third month after the organization's accounting period ends.

(4) Entities required to register under this chapter shall file a notice of change of information within thirty days of any change in the information contained in RCW 19.09.075 (1) through (6), 19.09.079 (1) through (6), or 19.09.078 (1) through (4).

(5) The secretary may notify entities registered under this chapter of the need to reregister upon the expiration of their current registration. The notification shall be by mail, sent at least sixty days prior to the expiration of their current registration. [1986 c 230 § 8; 1983 c 265 § 8.]

**19.09.095 Subsidiary organizations—Requirement to register—Exemptions. (Effective January 1, 1987.)**

A charitable organization that is supervised and controlled by a superior or parent organization that is incorporated, qualified to do business, or is doing business within this state shall not be required to register under RCW 19.09.065 if the superior or parent organization files an application, on behalf of its subsidiary, in addition to or as a part of its own application. If an application has been filed by a superior or parent organization, on behalf of the subsidiary organization, the superior or parent organization shall (1) report financial information either separately or in consolidated form for its subsidiary organization(s), and (2) identify the subsidiary organization(s) on whose behalf the application is being submitted, indicating which such organization(s), if any, collected or expended five thousand dollars or more during their fiscal year. [1986 c 230 § 9; 1983 c 265 § 6.]

**19.09.097 Charitable organizations and independent fund raisers—Registration form—Contents—Fee. (Effective January 1, 1987.)**

Before contracting for any fund raising service or activity, the charitable organization and independent fund raiser shall complete a registration form. The registration shall be filed by the charitable organization with the secretary, in the form prescribed by the secretary, within five working days of the execution of the contract containing, but not limited to the following information:

(1) The name and registration number of the independent fund raiser;

(2) The name of the surety or sureties issuing the bond required by RCW 19.09.190, the aggregate amount of such bond or bonds, the bond number(s), original effective date(s), and termination date(s);

(3) The name and registration number of the charitable organization;

(4) The name of the representative of the independent fund raiser who will be responsible for the conduct of the fund raising;

(5) The type(s) of service(s) to be provided by the independent fund raiser;

(6) The dates such service(s) will begin and end;

(7) The terms of the agreement between the charitable organization and independent fund raiser relating to:

(a) Amount or percentages of amounts to inure to the charitable organization;

(b) Limitations placed on the maximum amount to be raised by the fund raiser, if the amount to inure to the charitable organization is not stated as a percentage of the amount raised;

(c) Costs of fund raising that will be the responsibility of the charitable organization, regardless of whether paid as a direct expense, deducted from the amounts disbursed, or otherwise;

(d) The manner in which contributions received directly by the charitable organization, not the result of services provided by the independent fund raiser, will be identified and used in computing the fee owed to the independent fund raiser; and

(8) The names of any entity to which more than ten percent of the total anticipated fund raising cost is to be paid, and whether any principal officer or owner of the independent fund raiser or relative by blood or marriage thereof is an owner or officer of any such entity.

The registration form shall be submitted with a non-refundable, five-dollar filing fee and shall be signed by an owner or principal officer of the independent fund raiser and the president, treasurer, or comparable officer of the charitable organization. [1986 c 230 § 10.]

**19.09.100 Conditions applicable to solicitations. (Effective January 1, 1987.)** The following conditions apply to solicitations as defined by RCW 19.09.020:

(1) Each person or organization soliciting charitable contributions shall disclose orally or in writing to each person or organization solicited:

(a) The name of the individual making the solicitation;

(b) The name of the charitable organization;

(c) The purpose of the solicitation, and the name of the organization that will receive the funds contributed; and

(d) Whether the charitable organization is or is not properly registered under this chapter, and if registered, that information relating to its financial affairs is available by contacting the office of the secretary of state, giving the secretary's toll-free telephone number, if available.

(2) Each person or organization soliciting charitable contributions shall conspicuously disclose in writing to each person or organization solicited:

(a) If the solicitation is conducted by a charitable organization, the percentage relationship between (i) the total amount of money applied to charitable purposes; and (ii) the dollar value of support received from solicitations and from all other sources received on behalf of the charitable purpose of the organization, as contained in the organization's most recent solicitation report filed in accordance with RCW 19.09.075(7);

(b) If the solicitation is conducted by an independent or nonprofit fund raiser, the percentage relationship between (i) the amount of money disbursed to charitable organizations for charitable purposes; and (ii) the total value of contributions received on behalf of charitable organizations by the independent or nonprofit fund raiser, as contained in the fund raiser's most recent solicitation report filed in accordance with RCW 19.09.079(7) or 19.09.078.

(3) Each person or organization soliciting charitable contributions by telephone shall make the disclosures required by RCW 19.09.100(2) (a) or (b) in writing within five days of the receipt of any contribution. If the person or organization sends any materials to the person or organization solicited before the receipt of any contribution, those materials shall include the disclosures required in RCW 19.09.100(1)(d), and 19.09.100 (2) (a) or (b), whichever is applicable.

(4) Each person or organization soliciting charitable contributions shall not represent orally or in writing that:

(a) The charitable contribution is tax deductible unless the charitable organization for which charitable contributions are being solicited or to which tickets for fund raising events or other services or goods will be donated, has applied for and received from the internal revenue service a letter of determination granting tax deductible status to the charitable organization;

(b) The person soliciting the charitable contribution is a volunteer or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor unless such person is unpaid for his or her services;

(c) The person soliciting the charitable contribution is a member, staffer, helper, or employee of the charitable organization or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor if the person soliciting is employed, contracted, or paid by an independent fund raiser.

(5) If the charitable organization is associated with, or has a name that is similar to, any unit of government each person or organization soliciting contributions shall disclose to each person solicited whether the charitable organization is or is not part of any unit of government and the true nature of its relationship to the unit of government.

(6) A charitable organization shall comply with all local governmental regulations that apply to soliciting for or on behalf of charitable organizations.

(7) The advertising material and the general promotional plan for a solicitation shall not be false, misleading, or deceptive, and shall afford full and fair disclosure.

(8) Solicitations shall not be conducted by a charitable organization or independent fund raiser that has, or if a corporation, its officers, directors, or principals have, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years or has been subject to any permanent injunction or administrative order or judgment under RCW 19.86.080 or 19.86.090, involving a violation or violations of RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

Failure to comply with subsections (1) through (8) of this section is a violation of this chapter. [1986 c 230 § 11; 1983 c 265 § 9; 1982 c 227 § 7; 1977 ex.s. c 222 § 6; 1974 ex.s. c 106 § 3; 1973 1st ex.s. c 13 § 10.]

**Effective date—1982 c 227:** "Sections 5 and 6 of this act shall take effect June 30, 1983. The remaining sections of this act are 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 1, 1982." [1982 c 227 § 25.] "Sections 5 and 6 of this act" consist of a temporary section (uncodified) and the 1982 c 227 amendment to RCW 18.34.130, respectively.

**Reviser's note:** Substitute House Bill No. 778, (1982 c 227), was signed by the governor April 3, 1982.

**19.09.190 Independent fund raisers—Surety bond.** (Effective January 1, 1987.) Every independent fund

raiser who (1) directly or indirectly receives contributions from the public on behalf of any charitable organization; or (2) is compensated based upon funds raised or to be raised, number of solicitations made or to be made, or any other similar method; or (3) incurs or is authorized to incur expenses on behalf of the charitable organization; or (4) has not been registered with the secretary as an independent fund raiser for the preceding accounting year shall execute a surety bond as principal with one or more sureties whose liability in the aggregate as such sureties will equal at least fifteen thousand dollars. The secretary may, by rule, provide for the reduction and reinstatement of the bond required by this section.

The issuer of the surety bond shall be licensed to do business in this state, and shall promptly notify the secretary when claims or payments are made against the bond. The bond shall be filed with the secretary in the form prescribed by the secretary. The bond shall run to the state and to any person who may have a cause of action against the obligor of said bond for any malfeasance, misfeasance, or deceptive practice in the conduct of such solicitation. [1986 c 230 § 16; 1983 c 265 § 16; 1982 c 227 § 8; 1977 ex.s. c 222 § 9; 1973 1st ex.s. c 13 § 19.]

**Effective date—1982 c 227:** See note following RCW 19.09.100.

**19.09.200 Books, records and contracts.** (Effective January 1, 1987.) Charitable organizations and independent fund raisers shall maintain accurate, current, and readily available books and records at their usual business locations until at least three years have elapsed following the effective period to which they relate.

All contracts between independent fund raisers and charitable organizations shall be in writing, and true and correct copies of such contracts or records thereof shall be kept on file in the various offices of the charitable organization and the independent fund raiser for a three-year period. Such records and contracts shall be available for inspection and examination by the attorney general or by the county prosecuting attorney. A copy of such contract or record shall be submitted by the charitable organization or independent fund raiser, within ten days, following receipt of a written demand therefor from the attorney general or county prosecutor. [1986 c 230 § 12; 1982 c 227 § 9; 1973 1st ex.s. c 13 § 20.]

**Effective date—1982 c 227:** See note following RCW 19.09.100.

**19.09.210 Financial statements.** (Effective January 1, 1987.) Upon the request of the attorney general or the county prosecutor, a charitable organization shall submit a financial statement containing, but not limited to, the following information:

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.



(4) The amounts paid to and to be paid to independent fund raisers.

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same fiscal period, to its parent organization, subsidiaries, or affiliates, if any. [1986 c 230 § 13; 1983 c 265 § 10; 1982 c 227 § 10; 1977 ex.s. c 222 § 10; 1975 1st ex.s. c 219 § 1; 1973 1st ex.s. c 13 § 21.]

**Effective date**—1982 c 227: See note following RCW 19.09.100.

**19.09.230 Using the name of another person.** (Effective January 1, 1987.) No charitable organization, independent fund raiser, or other entity may knowingly use the name of any other person for the purpose of soliciting contributions from persons in this state without the written consent of such other person. Such consent may be deemed to have been given by anyone who is a director, trustee, other officer, employee, agent, or independent fund raiser of the charitable organization.

A person may be deemed to have used the name of another person for the purpose of soliciting contributions if such latter person's name is listed on any stationery, advertisement, brochure, or correspondence of the charitable organization or person or if such name is listed or represented to any one who has contributed to, sponsored, or endorsed the charitable organization or person, or its or his activities. [1986 c 230 § 14; 1982 c 227 § 11; 1973 1st ex.s. c 13 § 23.]

**Effective date**—1982 c 227: See note following RCW 19.09.100.

**19.09.240 Using similar name, symbol, or statement.** (Effective January 1, 1987.) No charitable organization, independent fund raiser, or other person soliciting contributions for or on behalf of a charitable organization may use a name, symbol, or statement so closely related or similar to that used by another charitable organization or governmental agency that the use thereof would tend to confuse or mislead the public. [1986 c 230 § 15; 1973 1st ex.s. c 13 § 24.]

**19.09.271 Failure to register—Late filing fee—Notice to attorney general.** (Effective January 1, 1987.) (1) Any charitable organization, nonprofit fund raiser, or independent fund raiser who, after notification by the secretary, fails to properly register under this chapter by the end of the first business day following the issuance of the notice, is liable for a late filing fee of five dollars per day from the date of the notice until the registration is properly completed and filed. The late filing fee is in addition to any other filing fee provided by this chapter.

(2) The secretary shall notify the attorney general of any entity liable for late filing fees under subsection (1) of this section. [1986 c 230 § 17.]

**19.09.275 Violations—Penalties.** (Effective January 1, 1987.) Any person who wilfully and knowingly violates any provision of this chapter or who wilfully and knowingly gives false or incorrect information to the secretary, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not such statement or report is verified is

guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

Any person who violates any provisions of this chapter or who gives false or incorrect information to the secretary, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not such statement or report is verified, is guilty of a misdemeanor punishable under chapter 9A.20 RCW. [1986 c 230 § 18; 1983 c 265 § 11; 1982 c 227 § 12; 1977 ex.s. c 222 § 14.]

**Effective date**—1982 c 227: See note following RCW 19.09.100.

**19.09.913 Effective date**—1986 c 230. This act shall take effect on January 1, 1987. [1986 c 230 § 21.]

## Chapter 19.27 STATE BUILDING CODE

### Sections

19.27.060 Local building regulations superseded—Exceptions.

**19.27.060 Local building regulations superseded—Exceptions.** (1) The governing bodies of counties and cities may amend the codes enumerated in RCW 19.27.031 as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the state building code. No amendment to a code enumerated in RCW 19.27.031 that affects single family or multifamily residential buildings shall be effective unless the amendment is approved by the building code council under RCW 19.27.074(1)(b). Any county or city amendment to a code enumerated in RCW 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to be effective after any action is taken under RCW 19.27.074(1)(a) without necessity of reapproval under RCW 19.27.074(1)(b) unless the amendment is declared null and void by the council at the time any action is taken under RCW 19.27.074(1)(a) because such action in any way altered the impact of the amendment.

(2) Except as permitted or provided otherwise under this section, the state building code shall be applicable to all buildings and structures including those owned by the state or by any governmental subdivision or unit of local government.

(3) The governing body of each county or city may limit the application of any portion of the state building code to exclude specified classes or types of buildings or structures according to use other than single family or multifamily residential buildings: *Provided*, That in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses constitute combustible stock for the purposes of application of the uniform fire code.

(4) The provisions of this chapter shall not apply to any building four or more stories high with a B occupancy as defined by the uniform building code, 1982 edition, and with a city fire insurance rating of 1, 2, or 3 as defined by a recognized fire rating bureau or organization.

(5) No provision of the uniform fire code concerning roadways shall be part of the state building code: *Provided*, That this subsection shall not limit the authority of a county or city to adopt street, road, or access standards.

(6) The provisions of the state building code are preempted by any physical standards adopted by the corrections standards board under RCW 70.48.050 when the code provisions relating to the installation or use of sprinklers in the cells conflict with the standards and the secure and humane operation of jails. [1986 c 118 § 15; 1985 c 360 § 10; 1981 2nd ex.s. c 12 § 5; 1980 c 64 § 1; 1975 1st ex.s. c 282 § 2; 1974 ex.s. c 96 § 6.]

### Chapter 19.27A

#### ENERGY-RELATED BUILDING STANDARDS

##### Sections

19.27A.110 Portable oil-fueled heaters—Jurisdiction over approval—Sale and use governed exclusively.

**19.27A.110 Portable oil-fueled heaters—Jurisdiction over approval—Sale and use governed exclusively.** The director of community development, through the director of fire protection, is the only authority having jurisdiction over the approval of portable oil-fueled heaters. The sale and use of portable oil-fueled heaters is governed exclusively by RCW 19.27A.080 through 19.27A.120: *Provided*, That cities and counties may adopt local standards as provided in RCW 19.27.040. [1986 c 266 § 85; 1985 c 360 § 16; 1983 c 134 § 5. Formerly RCW 19.27.450.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

### Chapter 19.28

#### ELECTRICIANS AND ELECTRICAL INSTALLATIONS

##### Sections

19.28.005 Definitions.  
 19.28.010 Electrical wiring requirements—General—Exceptions.  
 19.28.060 Rules, regulations, and standards.  
 19.28.070 Enforcement—State electrical inspectors—Qualifications—Salaries and expenses.  
 19.28.120 License required—General or specialty licenses—Fees—Application—Bond—Cash deposit in lieu of bond.  
 19.28.123 Board of electrical examiners—Created—Membership—Examinations—Meetings—Compensation—Travel expenses.  
 19.28.125 Electrical contractors—Designee of firm to take administrator's examination—Certificate duration, renewal, nontransferable—Administrator's duties.  
 19.28.180 Licensee's bond—Action on—Priorities—Cash deposit, payment from.  
 19.28.190 Actions—Local permits—Proof of licensure.  
 19.28.310 Revocation or suspension of license—Grounds—Appeal to board of electrical examiners—Fee—Costs.  
 19.28.350 Violations of RCW 19.28.010 through 19.28.380—Schedule of penalties—Appeal.

19.28.360 RCW 19.28.210 inapplicable in certain cities and towns, electricity supply agency service areas, and rights of way of state highways.  
 19.28.380 Repealed.  
 19.28.540 Examination—Contents—Times—Fees—Certification of results.  
 19.28.550 Certificate of competency—Issuance—Renewal—Fees—Effect.  
 19.28.570 Temporary permits.  
 19.28.590 Repealed.  
 19.28.610 Exemptions from RCW 19.28.510 through 19.28.620.  
 19.28.620 Violations of RCW 19.28.510 through 19.28.620—Schedule of penalties—Appeal.

**19.28.005 Definitions.** The definitions in this section apply throughout this chapter.

(1) "Administrator" means a person designated by an electrical contractor to supervise electrical work and electricians in accordance with the rules adopted under this chapter.

(2) "Advisory board" means the electrical advisory board under RCW 19.28.065.

(3) "Board of electrical examiners" means the board of electrical examiners under RCW 19.28.123.

(4) "Chapter" means chapter 19.28 RCW.

(5) "Department" means the department of labor and industries.

(6) "Director" means the director of the department or the director's designee.

(7) "Electrical construction trade" includes but is not limited to installing or maintaining electrical wires and equipment that are used for light, heat, or power and installing and maintaining remote control, signaling, power limited, or communication circuits or systems.

(8) "Electrical contractor" means a person, firm, partnership, corporation, or other entity that offers to undertake, undertakes, submits a bid for, or does the work of installing or maintaining wires or equipment that convey electrical current.

(9) "Equipment" means any equipment or apparatus that directly uses, conducts, or is operated by electricity but does not mean plug-in household appliances.

(10) "Journeyman electrician" means a person who has been issued a journeyman electrician certificate of competency by the department.

(11) "Specialty electrician" means a person who has been issued a specialty electrician certificate of competency by the department. [1986 c 156 § 1; 1983 c 206 § 1.]

**19.28.010 Electrical wiring requirements—General—Exceptions.** (1) All wires and equipment, and installations thereof, that convey electric current and installations of equipment to be operated by electric current, in, on, or about buildings or structures, except for telephone, telegraph, radio, and television wires and equipment, and television antenna installations, signal strength amplifiers, and coaxial installations pertaining thereto shall be in strict conformity with this chapter, the statutes of the state of Washington, and the rules issued by the department, and shall be in conformity with approved methods of construction for safety to life and property. All wires and equipment that fall within section 90.2(b)(5) of the National Electrical Code, 1981

edition, are exempt from the requirements of this chapter. The regulations and articles in the National Electrical Code, as approved by the American Standards Association, and in the national electrical safety code, as approved by the American Standards Association, and other installation and safety regulations approved by the American Standards Association, as modified or supplemented by rules issued by the department in furtherance of safety to life and property under authority hereby granted, shall be prima facie evidence of the approved methods of construction. All materials, devices, appliances, and equipment used in such installations shall be of a type that conforms to applicable standards or be indicated as acceptable by the established standards of the Underwriters' Laboratories, Inc. or other electrical product testing laboratories which are accredited by the department.

(2) This chapter shall not limit the authority or power of any city or town to enact and enforce under authority given by law, any ordinance, rule, or regulation requiring an equal, higher, or better standard of construction and an equal, higher, or better standard of materials, devices, appliances, and equipment than that required by this chapter: *Provided*, That such city or town shall require that its electrical inspectors meet the qualifications provided for state electrical inspectors in accordance with RCW 19.28.070. In a city or town having an equal, higher, or better standard the installations, materials, devices, appliances, and equipment shall be in accordance with the ordinance, rule, or regulation of the city or town. Electrical equipment associated with spas, hot tubs, swimming pools, and hydromassage bathtubs shall not be offered for sale or exchange unless the electrical equipment is certified as being in compliance with the applicable product safety standard by bearing the certification mark of an approved electrical products testing laboratory.

(3) Nothing in this chapter may be construed as permitting the connection of any conductor of any electric circuit with a pipe that is connected with or designed to be connected with a waterworks piping system, without the consent of the person or persons legally responsible for the operation and maintenance of the waterworks piping system. [1986 c 263 § 1; 1986 c 156 § 2; 1983 c 206 § 2; 1965 ex.s. c 117 § 1; 1963 c 207 § 1; 1935 c 169 § 1; RRS § 8307-1. Formerly RCW 19.28.010 through 19.28.050.]

**Reviser's note:** This section was amended by 1986 c 156 § 2 and by 1986 c 263 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**19.28.060 Rules, regulations, and standards.** Prior to January 1st of each year, the director shall obtain an authentic copy of the national electrical code as approved by the American Standards Association, and an authentic copy of any applicable regulations and standards of the Underwriters' Laboratories, Inc., or other electrical product testing laboratory which is accredited by the department prescribing rules, regulations, and standards for electrical materials, devices, appliances,

and equipment, including any modifications and changes that have been made during the previous year in the rules, regulations, and standards. The department, after consulting with the advisory board and receiving the board's recommendations, shall adopt reasonable rules in furtherance of safety to life and property. All rules shall be kept on file by the department. Compliance with the rules shall be prima facie evidence of compliance with this chapter. The department upon request shall deliver to all persons, firms, partnerships, corporations, or other entities licensed under this chapter a copy of the rules. [1986 c 156 § 3; 1983 c 206 § 4; 1965 ex.s. c 117 § 2; 1935 c 169 § 10; RRS § 8307-10.]

**19.28.070 Enforcement—State electrical inspectors—Qualifications—Salaries and expenses.** The director of labor and industries of the state of Washington and the officials of all incorporated cities and towns where electrical inspections are required by local ordinances shall have power and it shall be their duty to enforce the provisions of this chapter in their respective jurisdictions. The director of labor and industries shall have power to appoint an electrical inspector, and such assistant inspectors as he shall deem necessary to assist him in the performance of his duties. All electrical inspectors appointed by the director of labor and industries shall have not less than four years experience as journeyman electricians in installing and maintaining electrical equipment, or two years electrical training in a college of electrical engineering of recognized standing and four years continuous practical electrical experience in installation work, or four years of electrical training in a college of electrical engineering of recognized standing and two years continuous practical electrical experience in electrical installation work. Such state inspectors shall be paid such salary as the director of labor and industries shall determine, together with their travel expenses in accordance with RCW 43.03.050 and 43.03-.060 as now existing or hereafter amended. The expenses of the director of labor and industries and the salaries and expenses of state inspectors incurred in carrying out the provisions of this chapter shall be paid entirely out of the electrical license fund, upon vouchers approved by the director of labor and industries. [1986 c 156 § 4; 1975-'76 2nd ex.s. c 34 § 61; 1967 c 88 § 1; 1935 c 169 § 3; RRS § 8307-3. Formerly RCW 19.28.070 through 19.28.110.]

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

**19.28.120 License required—General or specialty licenses—Fees—Application—Bond—Cash deposit in lieu of bond.** (1) It is unlawful for any person, firm, partnership, corporation, or other entity to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to convey electric current, or installing or maintaining equipment to be operated by electric current as it pertains to the electrical industry, without having an unrevoked, unsuspended, and unexpired electrical contractor license, issued by the

department in accordance with this chapter. All electrical contractor licenses expire twenty-four calendar months following the day of their issue. The department may issue an electrical contractors license for a period of less than twenty-four months only for the purpose of equalizing the number of electrical contractor licenses which expire each month. Application for an electrical contractor license shall be made in writing to the department, accompanied by the required fee. The application shall state the name and address of the applicant; in case of firms or partnerships, the names of the individuals composing the firm or partnership; in case of corporations, the names of the managing officials thereof; the location of the place of business of the applicant and the name under which the business is conducted; and whether a general or specialty electrical contractor license is sought and, if the latter, the type of specialty. Electrical contractor specialties include, but are not limited to: Residential, domestic appliances, pump and irrigation, limited energy system, signs, non-residential maintenance, and a combination specialty. A general electrical contractor license shall grant to the holder the right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electric current, and installing or maintaining equipment, or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current, in the state of Washington. A specialty electrical contractor license shall grant to the holder a limited right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electrical current, and installing or maintaining equipment; or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current in the state of Washington as expressly allowed by the license.

(2) The application for a contractor license shall be accompanied by a bond in the sum of four thousand dollars with the state of Washington named as obligee in the bond, with good and sufficient surety, to be approved by the department. The bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, suspends the license issued to the principal until a new bond has been filed and approved as provided in this section. Upon approval of a bond, the department shall on the next business day deposit the fee accompanying the application in the electrical license fund and shall file the bond in the office. The department shall upon request furnish to any person, firm, partnership, corporation, or other entity a certified copy of the bond upon the payment of a fee that the department shall set by rule. The fee shall cover but not exceed the cost of furnishing the certified copy. The bond shall be conditioned that in any installation or maintenance of wires or equipment to convey electrical current, and equipment to be operated by electrical current, the principal will comply with the provisions of this chapter and with any electrical ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(2) that is in effect at the time of entering into a contract. The bond shall be

conditioned further that the principal will pay for all labor, including employee benefits, and material furnished or used upon the work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm, partnership, corporation, or other entity due to a failure of the principal to make the installation or maintenance in accordance with this chapter or any applicable ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(2). In lieu of the surety bond required by this section the license applicant may file with the department a cash deposit or other negotiable security acceptable to the department. If the license applicant has filed a cash deposit, the department shall deposit the funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from the account.

(3) The department shall issue general or specialty electrical contractor licenses to applicants meeting all of the requirements of this chapter. The provisions of this chapter relating to the licensing of any person, firm, partnership, corporation, or other entity including the requirement of a bond with the state of Washington named as obligee therein and the collection of a fee therefor, are exclusive, and no political subdivision of the state of Washington may require or issue any licenses or bonds or charge any fee for the same or a similar purpose. No person, firm, partnership, corporation, or other entity holding more than one specialty contractor license under this chapter may be required to pay an annual fee for more than one such license or to post more than one four thousand dollar bond, equivalent cash deposit, or other negotiable security.

(4) To obtain a general or specialty electrical contractor license the applicant must designate an individual who currently possesses an administrator's certificate as a general electrical contractor administrator or as a specialty electrical contractor administrator in the specialty for which application has been made. Administrator certificate specialties include but are not limited to: Residential, domestic, appliance, pump and irrigation, limited energy system, signs, nonresidential maintenance, and combination specialty. To obtain an administrator's certificate an individual must pass an examination as set forth in RCW 19.28.123 unless the applicant was a licensed electrical contractor at any time during 1974. Applicants who were electrical contractors licensed by the state of Washington at any time during 1974 are entitled to receive a general electrical contractor administrator's certificate without examination if the applicants apply prior to January 1, 1984. The board of electrical examiners shall certify to the department the names of all persons who are entitled to either a general or specialty electrical contractor administrator's certificate. [1986 c 156 § 5; 1983 c 206 § 5; 1975 1st ex.s. c 195 § 1; 1975 1st ex.s. c 92 § 1; 1974 ex.s. c 188 § 1; 1971 ex.s. c 129 § 1; 1969 ex.s. c 71 § 2; 1969 c 30 § 1. Prior: 1967 ex.s. c 15 § 1; 1967 c 88 § 2; 1965 ex.s. c 117 § 3; 1963 c 207 § 2; 1959 c 325 § 1; 1935 c 169 § 4;

RRS § 8307-4; prior: 1919 c 204 §§ 1, 2. Formerly RCW 19.28.120 through 19.28.170.]

**Severability—1975 1st ex.s. c 195, 1975 1st ex.s. c 92:** "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 195 § 4; 1975 1st ex.s. c 92 § 4.]

**Effective date—1974 ex.s. c 188:** "The effective date of this 1974 amendatory act is July 1, 1974." [1974 ex.s. c 188 § 6.] This applies to RCW 19.28.123, 19.28.125 and to the 1974 amendment to RCW 19.28.120.

**Severability—1974 ex.s. c 188:** "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 188 § 5.] This applies to RCW 19.28.123, 19.28.125 and to the 1974 amendment to RCW 19.28.120.

**Effective date—1971 ex.s. c 129:** "The effective date of this 1971 amendatory act shall be December 1, 1971." [1971 ex.s. c 129 § 3.] This applies to the 1971 amendments to RCW 19.28.120 and 19.28.210.

**19.28.123 Board of electrical examiners—Created—Membership—Examinations—Meetings—Compensation—Travel expenses.** There is hereby created a board of electrical examiners consisting of nine members to be appointed by the governor. It shall be the purpose and function of this board to establish in addition to a general electrical contractors' license, such classifications of specialty electrical contractors' licenses as it deems appropriate with regard to individual sections pertaining to state adopted codes in chapter 19.28 RCW. In addition, it shall be the purpose and function of this board to establish and administer written examinations for general electrical contractors' qualifying certificates and the various specialty electrical contractors' qualifying certificates. Examinations shall be designed to reasonably insure that general and specialty electrical contractor's qualifying certificate holders are competent to engage in and supervise the work covered by this statute and their respective licenses. The examinations shall include questions from the following categories to assure proper safety and protection for the general public: (1) Safety, (2) state electrical code, and (3) electrical theory. The department with the consent of the board of electrical examiners shall be permitted to enter into a contract with a professional testing agency to develop, administer, and score these examinations. It shall be the further purpose and function of this board to advise the director as to the need of additional electrical inspectors and compliance officers to be utilized by the director on either a full-time or part-time employment basis and to carry out the duties enumerated in RCW 19.28.510 through 19.28.620 as well as generally advise the department on all matters relative to RCW 19.28.510 through 19.28.620. Meetings of the board shall be held quarterly on the first Monday of February, May, August, and November of each year. Each member of the board shall be compensated in accordance with RCW 43.03.240, and each member shall also receive travel expenses as provided in RCW 43.03.050 and 43.03.060, which shall be paid out of the electrical license fund,

upon vouchers approved by the director of labor and industries. [1986 c 156 § 6; 1984 c 287 § 57; 1977 ex.s. c 79 § 1; 1975-'76 2nd ex.s. c 34 § 62; 1975 1st ex.s. c 195 § 2; 1975 1st ex.s. c 92 § 2; 1974 ex.s. c 188 § 2.]

**Legislative findings—Severability—Effective date—1984 c 287:** See notes following RCW 43.03.220.

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

**Severability—1975 1st ex.s. c 195, 1975 1st ex.s. c 92:** See note following RCW 19.28.120.

**Effective date—Severability—1974 ex.s. c 188:** See notes following RCW 19.28.120.

**19.28.125 Electrical contractors—Designee of firm to take administrator's examination—Certificate duration, renewal, nontransferable—Administrator's duties.** (1) Each applicant for an electrical contractor's license, other than an individual, shall designate a supervisory employee or member of the firm to take the required administrator's examination. Effective July 1, 1987, a supervisory employee designated as the administrator shall be a full-time supervisory employee. This person shall be designated as administrator under the license. No person may qualify as administrator for more than one contractor. If the relationship of the administrator with the electrical contractor is terminated, the contractor's license is void within ninety days unless another administrator is qualified by the board of electrical examiners. However, if the administrator dies, the contractor's license is void within one hundred eighty days unless another administrator is qualified by the board of electrical examiners. A certificate issued under this section is valid for two years from the nearest birthdate of the administrator, unless revoked or suspended, and further is nontransferable. The certificate may be renewed for a two-year period without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date. If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. An individual holding more than one administrator's certificate under this chapter shall not be required to pay annual fees for more than one certificate. A person may take the administrator's test as many times as necessary without limit.

(2) The administrator shall:

(a) Be a member of the firm or a supervisory employee and shall be available during working hours to carry out the duties of an administrator under this section;

(b) Ensure that all electrical work complies with the electrical installation laws and rules of the state;

(c) Ensure that the proper electrical safety procedures are used;

(d) Ensure that all electrical labels, permits, and licenses required to perform electrical work are used;

(e) See that corrective notices issued by an inspecting authority are complied with; and

(f) Notify the department in writing within ten days if the administrator terminates the relationship with the electrical contractor.

(3) The department shall not by rule change the administrator's duties under subsection (2) of this section. [1986 c 156 § 7; 1983 c 206 § 6; 1975 1st ex.s. c 195 § 3; 1975 1st ex.s. c 92 § 3; 1974 ex.s. c 188 § 4.]

**Severability**—1975 1st ex.s. c 195, 1975 1st ex.s. c 92: See note following RCW 19.28.120.

**Effective date**—**Severability**—1974 ex.s. c 188: See notes following RCW 19.28.120.

**19.28.180 Licensee's bond—Action on—Priorities—Cash deposit, payment from.** Any person, firm, or corporation sustaining any damage or injury by reason of the principal's breach of the conditions of the bond required under RCW 19.28.120 may bring an action against the surety named therein, joining in the action the principal named in the bond; the action shall be brought in the superior court of any county in which the principal on the bond resides or transacts business, or in the county in which the work was performed as a result of which the breach is alleged to have occurred; the action shall be maintained and prosecuted as other civil actions. Claims or actions against the surety on the bond shall be paid in full in the following order of priority: (1) labor, including employee benefits, (2) materials and equipment used upon such work, (3) taxes and contributions due to the state, (4) damages sustained by any person, firm or corporation due to the failure of the principal to make the installation in accordance with the provisions of chapter 19.28 RCW, or any ordinance, building code, or regulation applicable thereto: *Provided*, That the total liability of the surety on any bond shall not exceed the sum of four thousand dollars and the surety on the bond shall not be liable for monetary penalties; and any action shall be brought within one year from the completion of the work in the performance of which the breach is alleged to have occurred. The surety shall mail a conformed copy of the judgment against the bond to the department within seven days.

In the event that a cash or securities deposit has been made in lieu of the surety bond, and in the event of a judgment being entered against such depositor and deposit, the director shall upon receipt of a certified copy of a final judgment, pay said judgment from such deposit. [1986 c 156 § 8; 1969 ex.s. c 71 § 3; 1965 ex.s. c 117 § 4; 1935 c 169 § 5; RRS § 8307-5. Prior: 1919 c 204 § 4.]

**19.28.190 Actions—Local permits—Proof of licensure.** No person, firm or corporation engaging in, conducting or carrying on the business of installing wires or equipment to convey electric current, or installing apparatus to be operated by said current, shall be entitled to commence or maintain any suit or action in any court of this state pertaining to any such work or business, without alleging and proving that such person, firm or corporation held, at the time of commencing and performing such work, an unexpired, unrevoked and unsuspended license issued under the provisions of this chapter; and no city or town requiring by ordinance or regulation a permit for inspection or installation of such electrical work, shall issue such permit to any person,

firm or corporation not holding such license. [1986 c 156 § 9; 1935 c 169 § 6; RRS § 8307-6.]

**19.28.310 Revocation or suspension of license—Grounds—Appeal to board of electrical examiners—Fee—Costs.** The department has the power, in case of continued noncompliance with the provisions of this chapter, to revoke or suspend for such a period as it determines, any electrical contractor license or electrical contractor administrator certificate issued under this chapter. The department shall notify the holder of the license or certificate of the revocation or suspension by certified mail. A revocation or suspension is effective fifteen days after the holder receives the notice. Any revocation or suspension is subject to review by an appeal to the board of electrical examiners. The filing of an appeal stays the effect of a revocation or suspension until the board of electrical examiners makes its decision. The appeal shall be filed within fifteen days after notice of the revocation or suspension is given by certified mail sent to the address of the holder of the license or certificate as shown on the application for the license or certificate, and shall be effected by filing a written notice of appeal with the department, accompanied by a certified check for two hundred dollars, which shall be returned to the holder of the license or certificate if the decision of the department is not sustained by the board. The hearing shall be conducted in accordance with chapter 34.04 RCW. If the board sustains the decision of the department, the two hundred dollars shall be applied by the department to the payment of the per diem and expenses of the members of the board incurred in the matter, and any balance remaining after payment of per diem and expenses shall be paid into the electrical license fund. [1986 c 156 § 10; 1983 c 206 § 11; 1935 c 169 § 7; RRS § 8307-7. Formerly RCW 19.28.310 and 19.28.320.]

**19.28.350 Violations of RCW 19.28.010 through 19.28.380—Schedule of penalties—Appeal.** Any person, firm, partnership, corporation, or other entity violating any of the provisions of RCW 19.28.010 through \*19.28.380 shall be assessed a penalty of not less than fifty dollars or more than ten thousand dollars. The department shall set by rule a schedule of penalties for violating RCW 19.28.010 through \*19.28.380. The department shall notify the person, firm, partnership, corporation, or other entity violating any of the provisions of RCW 19.28.010 through \*19.28.380 of the amount of the penalty and of the specific violation by certified mail, return receipt requested, sent to the last known address of the assessed party. Any penalty is subject to review by an appeal to the board of electrical examiners. The filing of an appeal stays the effect of the penalty until the board of electrical examiners makes its decision. The appeal shall be filed within fifteen days after notice of the penalty is given to the assessed party by certified mail, return receipt requested, sent to the last known address of the assessed party and shall be made by filing a written notice of appeal with the department. The notice shall be accompanied by a certified

check for two hundred dollars, which shall be returned to the assessed party if the decision of the department is not sustained by the board. If the board sustains the decision of the department, the two hundred dollars shall be applied by the department to the payment of the per diem and expenses of the members of the board incurred in the matter, and any balance remaining after payment of per diem and expenses shall be paid into the electrical license fund. The hearing and review procedures shall be conducted in accordance with chapter 34.04 RCW. The board of electrical examiners shall assign its hearings to an administrative law judge to conduct the hearing and issue a proposed decision and order. The board shall be allowed a minimum of twenty days to review a proposed decision and shall issue its decision no later than the next regularly scheduled board meeting. [1986 c 156 § 11; 1983 c 206 § 12; 1980 c 30 § 16; 1935 c 169 § 14; RRS § 8307-14.]

\*Reviser's note: RCW 19.28.380 was repealed by 1986 c 156 § 18. See RCW 19.28.360.

**19.28.360 RCW 19.28.210 inapplicable in certain cities and towns, electricity supply agency service areas, and rights of way of state highways.** The provisions of RCW 19.28.210 shall not apply:

(1) Within the corporate limits of any incorporated city or town which has heretofore adopted and enforced or subsequently adopts and enforces an ordinance requiring an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required by this chapter.

(2) Within the service area of an electricity supply agency owned and operated by a city or town which is supplying electricity and enforcing a standard of construction and materials outside its corporate limits at the time this act takes effect: *Provided*, That such city, town or agency shall henceforth enforce by inspection within its service area outside its corporate limits the same standards of construction and of materials, devices, appliances and equipment as is enforced by the department of labor and industries under the authority of this chapter: *Provided further*, That fees charged henceforth in connection with such enforcement shall not exceed those established in RCW 19.28.210.

(3) Within the rights of way of state highways, provided the state department of transportation maintains and enforces an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required by RCW 19.28.010 through 19.28.360. [1986 c 156 § 12; 1967 ex.s. c 97 § 1; 1963 c 207 § 4; 1959 c 325 § 3.]

**Effective date**—1963 c 207: See RCW 19.28.910.

**19.28.380 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**19.28.540 Examination—Contents—Times—Fees—Certification of results.** The department, in coordination with the board of electrical examiners, shall prepare an examination to be administered to applicants

for journeyman and specialty certificates of competency. The examination shall be constructed to determine:

(1) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that are identified with the status of journeyman electrician or specialty electrician; and

(2) Whether the applicant is sufficiently familiar with the applicable electrical codes and the rules of the department pertaining to electrical installations and electricians.

The department shall, at least four times annually, administer the examination to persons eligible to take it under RCW 19.28.530. A person may take the journeyman or specialty test as many times as necessary without limit. All applicants shall, before taking the examination, pay to the department an examination fee. The department shall set the fee by rule. The fee shall cover but not exceed the costs of preparing and administering the examination.

The department shall certify the results of the examination upon such terms and after such a period of time as the department, in cooperation with the board of electrical examiners, deems necessary and proper.

(3) The department upon the consent of the board of electrical examiners may enter into a contract with a professional testing agency to develop, administer, and score journeyman and/or specialty electrician certification examinations. [1986 c 156 § 13; 1983 c 206 § 15; 1980 c 30 § 5.]

**19.28.550 Certificate of competency—Issuance—Renewal—Fees—Effect.** The department shall issue a certificate of competency to all applicants who have passed the examination provided in RCW 19.28.540, and who have complied with RCW 19.28.510 through 19.28.620 and the rules adopted under this chapter. The certificate shall bear the date of issuance, and shall expire on the holder's birthdate two years immediately following the date of issuance. The certificate shall be renewed every two years, upon application, on or before the holder's birthdate. A fee shall be assessed for each certificate and for each annual renewal. The certificate may be renewed without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date. If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. The department shall set the fees by rule for issuance and renewal of a certificate of competency. The fees shall cover but not exceed the costs of issuing the certificates and of administering and enforcing the electrician certification requirements of this chapter.

The certificates of competency and temporary permits provided for in this chapter grant the holder the right to work in the electrical construction trade as a journeyman electrician or specialty electrician in accordance with their provisions throughout the state and within any of its political subdivisions without additional proof of competency or any other license, permit, or fee to engage in such work. [1986 c 156 § 14; 1983 c 206 § 16; 1980 c 30 § 6.]

**19.28.570 Temporary permits.** The department is authorized to grant and issue temporary permits in lieu of certificates of competency whenever an electrician coming into the state of Washington from another state requests the department for a temporary permit to engage in the electrical construction trade as an electrician during the period of time between filing of an application for a certificate as provided in RCW 19.28.520 and the date the results of taking the examination provided for in RCW 19.28.540 are furnished to the applicant. The department is authorized to enter into reciprocal agreements with other states providing for the acceptance of such states' journeyman and speciality electrician certificate of competency or its equivalent when such states requirements are equal to the standards set by this chapter. No temporary permit shall be issued to:

(1) Any person who has failed to pass the examination for a certificate of competency, except that any person who has failed the examination for competency under this section shall be entitled to continue to work under a temporary permit for ninety days if the person is enrolled in a journeyman electrician refresher course and shows evidence to the department that he or she has not missed any classes. The person, after completing the journeyman electrician refresher course, shall be eligible to retake the examination for competency at the next scheduled time.

(2) Any applicant under this section who has not furnished the department with such evidence required under RCW 19.28.520.

(3) To any apprentice electrician. [1986 c 156 § 15; 1983 c 206 § 17; 1980 c 30 § 8.]

**19.28.590 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**19.28.610 Exemptions from RCW 19.28.510 through 19.28.620.** Nothing in RCW 19.28.510 through 19.28.620 shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his or her residence or farm or place of business or on other property owned by him: *Provided, however,* That nothing in RCW 19.28.510 through 19.28.620 shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a city or town pursuant to RCW 19.28.010(2), except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the electrical construction trade: *And provided further,* That RCW 19.28.510 through 19.28.620 shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees: *And provided further,* That nothing in RCW 19.28.510 through 19.28.620 shall be deemed to apply to the installation or maintenance of telephone, telegraph, radio, or television wires and equipment; nor to any electrical utility or its employees, in the installations and maintenance of electrical wiring, circuits, and equipment

by or for the utility, or comprising a part of its plants, lines or systems. The licensing provisions of RCW 19.28.510 through 19.28.620 shall not apply to persons making electrical installations on their own property or to regularly employed employees working on the premises of their employer: *And provided further,* That nothing in RCW 19.28.510 through 19.28.620 shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing the electrical installation hold themselves out as engaged in the trade or business of electrical installations. Nothing precludes any person who is exempt from the licensing requirements of this chapter under this section from obtaining a journeyman or specialty certificate of competency if they otherwise meet the requirements of this chapter. [1986 c 156 § 16; 1983 c 206 § 21; 1980 c 30 § 12.]

**19.28.620 Violations of RCW 19.28.510 through 19.28.620—Schedule of penalties—Appeal.** (1) It is unlawful for any person, firm, partnership, corporation, or other entity to employ an individual for purposes of RCW 19.28.510 through 19.28.620 who has not been issued a certificate of competency or a training certificate. It is unlawful for any individual to engage in the electrical construction trade or to maintain or install any electrical equipment or conductors without having in his or her possession a certificate of competency or a training certificate under RCW 19.28.510 through 19.28.620. Any person, firm, partnership, corporation, or other entity found in violation of RCW 19.28.510 through 19.28.620 shall be assessed a penalty of not less than fifty dollars or more than five hundred dollars. The department shall set by rule a schedule of penalties for violating RCW 19.28.510 through 19.28.620. An appeal may be made to the board of electrical examiners as is provided in RCW 19.28.350. The appeal shall be filed within fifteen days after the notice of the penalty is given to the assessed party by certified mail, return receipt requested, sent to the last known address of the assessed party and shall be made by filing a written notice of appeal with the department. Any equipment maintained or installed by any person who does not possess a certificate of competency under RCW 19.28.510 through 19.28.620 shall not receive an electrical work permit and electrical service shall not be connected or maintained to operate the equipment. Each day that a person, firm, partnership, corporation, or other entity violates the provisions of RCW 19.28.510 through 19.28.620 is a separate violation.

(2) A civil penalty shall be collected in a civil action brought by the attorney general in the county wherein the alleged violation arose at the request of the department if any of the provisions of RCW 19.28.510 through 19.28.620 or any rules promulgated under RCW 19.28.510 through 19.28.620 are violated. [1986 c 156 § 17; 1983 c 206 § 22; 1980 c 30 § 13.]



**Chapter 19.30**  
**FARM LABOR CONTRACTORS**

## Sections

19.30.040	Surety bond—Security.
19.30.045	Claim for wages—Action upon surety bond or security.
19.30.081	License—Duration—Renewal.
19.30.160	Civil penalty—Hearing—Action in superior court.
19.30.170	Civil actions—Damages, costs, attorney's fees.

**19.30.040 Surety bond—Security.** (1) The director shall require the deposit of a surety bond by any person acting as a farm labor contractor under this chapter, to insure compliance with the provisions of this chapter. Such bond shall be in an amount specified by the director in accordance with such criteria as the director adopts by rule but shall not be less than five thousand dollars. The bond shall be payable to the state of Washington and shall be conditioned on payment in full of all sums legally due on wage claims of employees under this chapter and RCW 49.52.050 et seq. The aggregate liability of the surety upon such bond for all claims which may arise thereunder shall not exceed the face amount of the bond.

(2) The amount of the bond may be raised or additional security required by the director, upon his or her own motion or upon petition to the director by any person, when it is shown that the security or bond is insufficient to satisfy the contractor's potential liability for the licensed period.

(3) No surety insurer may provide any bond, undertaking, recognizance, or other obligation for the purpose of securing or guaranteeing any act, duty, or obligation, or the refraining from any act with respect to a contract using the services of a farm labor contractor unless the farm labor contractor has made application for or has a valid license issued under RCW 19.30.030 at the time of issuance of the bond, undertaking, recognizance, or other obligation.

(4) The bond is written for a one-year term and may be renewed or extended by continuation certification at the option of the surety.

(5) In lieu of the surety bond required by this section, the contractor may file with the director a deposit consisting of cash or other security acceptable to the director. The deposit shall not be less than five thousand dollars in value. The security deposited with the director in lieu of the surety bond shall be returned to the contractor at the expiration of three years after the farm labor contractor's license has expired or been revoked if no legal action has been instituted against the contractor or on the security deposit at the expiration of the three years.

(6) If a contractor has deposited a bond with the director and has failed to comply with the conditions of the bond as provided by this section, and has departed from this state, service may be made upon the surety as prescribed in RCW 4.28.090. [1986 c 197 § 15; 1985 c 280 § 4; 1955 c 392 § 4.]

**19.30.045 Claim for wages—Action upon surety bond or security.** (1) Any person, having a claim for wages pursuant to \*this act or RCW 49.52.050 et seq. may bring suit upon the surety bond or security deposit filed by the contractor pursuant to RCW 19.30.040, in any court of competent jurisdiction of the county in which the claim arose, or in which either the claimant or contractor resides: *Provided*, That the right of action shall not be included in any suit or action against the farm labor contractor but must be exercised independently after first procuring a judgment, decree or other form of adequate proof of liability established after notice and hearing under RCW 19.30.160. The filing of such an action against the farm labor contractor tolls the three-year statute of limitations referred to in RCW 19.30.170.

(2) The right of action is assignable in the name of the director or any other person, and must be included with an assignment of a wage claim, any other appropriate claim, or of a judgment thereon.

(3) An action upon the bond or security deposit shall be commenced by serving and filing the complaint within three years from the date of expiration or cancellation of the bond, or in the case of a security deposit, within three years of the date of expiration or revocation of the license.

(4) A copy of the complaint in any such action shall be served upon the director at the time of commencement of the action and the director shall maintain a record, available for public inspection, of all suits so commenced. Such service shall constitute service on the farm labor contractor and the surety for suit upon the bond and the director shall transmit the complaint or a copy thereof to the contractor at the address listed in his or her application and to the surety within forty-eight hours after it has been received.

(5) The surety upon the bond may, upon notice to the director and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated.

(6) If the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, the claims shall be satisfied from the bond in the order that judgment was rendered.

(7) If any final judgment impairs the liability of the surety upon the bond so furnished so that there is not in effect a bond undertaking in the full amount prescribed by the director, the director shall suspend the license of such contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims has been furnished. If such bond becomes fully impaired, a new bond must be furnished.

(8) If the farm labor contractor has filed other security with the director in lieu of a surety bond, any person having an unsatisfied final judgment against the contractor for any violation of this chapter may execute upon the security deposit held by the director by serving a certified copy of the unsatisfied final judgment by

registered or certified mail upon the director. Upon the receipt of service of such certified copy, the director shall pay or order paid from the deposit, through the registry of the court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the director shall be the order of receipt by the director, but the director shall have no liability for payment in excess of the amount of the deposit. [1986 c 197 § 19.]

**\*Reviser's note:** "This act" [1986 c 197] consists of the amendment of RCW 18.27.020, 18.27.110, 18.27.210, 18.27.230, 18.27.240, 18.27.250, 18.27.270, 18.27.300, 18.27.310, 18.27.320, 18.27.340, 19.30.040, 19.30.081, 19.30.160, and 19.30.170, the enactment of RCW 18.27.125, 18.27.350, and 19.30.045, and the repeal of RCW 18.27.330.

**19.30.081 License—Duration—Renewal.** Farm labor contractors may hold either a one-year license or a two-year license, at the director's discretion.

The one-year license shall run to and include the 31st day of December next following the date thereof unless sooner revoked by the director. A license may be renewed each year upon the payment of the annual license fee, but the director shall require that a new application be submitted and that the contractor have a bond in full force and effect.

The two-year license shall run to and include the 31st day of December of the year following the year of issuance unless sooner revoked by the director. This license may be renewed every two years under the same terms as the one-year license, except that a farm labor contractor possessing a two-year license shall have a bond in full force and effect, and file an application on which he or she shall disclose all information required by RCW 19.30.030 (1)(b), (4), and (7). [1986 c 197 § 16; 1985 c 280 § 8.]

**19.30.160 Civil penalty—Hearing—Action in superior court.** (1) In addition to any criminal penalty imposed under RCW 19.30.150, the director may assess against any person who violates this chapter, or any rule adopted under this chapter, a civil penalty of not more than one thousand dollars for each violation.

(2) The person shall be afforded the opportunity for a hearing, upon request to the director made within thirty days after the date of issuance of the notice of assessment. The hearing shall be conducted in accordance with chapter 34.04 RCW.

(3) If any person fails to pay an assessment after it has become a final and unappealable order, or after the court has entered final judgment in favor of the agency, the director shall refer the matter to the state attorney general, who shall recover the amount assessed by action in the appropriate superior court. In such action, the validity and appropriateness of the final order imposing the penalty shall not be subject to review. [1986 c 197 § 17; 1985 c 280 § 15.]

**19.30.170 Civil actions—Damages, costs, attorney's fees.** (1) After filing a notice of a claim with the director, in addition to any other penalty provided by law, any person aggrieved by a violation of this chapter

or any rule adopted under this chapter may bring suit in any court of competent jurisdiction of the county in which the claim arose, or in which either the plaintiff or respondent resides, without regard to the amount in controversy and without regard to exhaustion of any alternative administrative remedies provided in this chapter. No such action may be commenced later than three years after the date of the violation giving rise to the right of action. In any such action the court may award to the prevailing party, in addition to costs and disbursements, reasonable attorney fees at trial and appeal.

(2) In any action under subsection (1) of this section, if the court finds that the respondent has violated this chapter or any rule adopted under this chapter, it may award damages up to and including an amount equal to the amount of actual damages, or statutory damages of five hundred dollars per plaintiff per violation, whichever is greater, or other equitable relief. [1986 c 197 § 18; 1985 c 280 § 16.]

## Chapter 19.52

### INTEREST—USURY

#### Sections

19.52.025 Highest rate permissible—Computation—Publication in the Washington State Register.

**19.52.025 Highest rate permissible—Computation—Publication in the Washington State Register.** Each month the state treasurer shall compute the highest rate of interest permissible under RCW 19.52.020(1) for the succeeding calendar month. The treasurer shall file this rate with the state code reviser for publication in the next available issue of the Washington State Register in compliance with RCW 34.08.020(8). [1986 c 60 § 1.]

## Chapter 19.86

### UNFAIR BUSINESS PRACTICES—CONSUMER PROTECTION

#### Sections

19.86.110 Demand to produce documentary materials for inspection, answer written interrogatories, or give oral testimony—Contents—Service—Unauthorized disclosure—Return—Modification, vacation—Use—Penalty.

*Degree-granting institutions, violation constitutes unfair or deceptive practice: Chapter 28B.85 RCW.*

*Credit services organization act, violation constitutes unfair business practice: RCW 19.134.070.*

*Private vocational schools, violation constitutes unfair or deceptive practice: Chapter 28C.10 RCW.*

*Travel charter and tour operators, violation constitutes unfair practice under RCW 19.86.020: RCW 19.138.080.*

**19.86.110 Demand to produce documentary materials for inspection, answer written interrogatories, or give oral testimony—Contents—Service—Unauthorized disclosure—Return—Modification, vacation—**

**Use—Penalty.** (1) Whenever the attorney general believes that any person (a) may be in possession, custody, or control of any original or copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording, wherever situate, which he believes to be relevant to the subject matter of an investigation of a possible violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, or 19.86.060, or (b) may have knowledge of any information which the attorney general believes relevant to the subject matter of such an investigation, he may, prior to the institution of a civil proceeding thereon, execute in writing and cause to be served upon such a person, a civil investigative demand requiring such person to produce such documentary material and permit inspection and copying, to answer in writing written interrogatories, to give oral testimony, or any combination of such demands pertaining to such documentary material or information: *Provided*, That this section shall not be applicable to criminal prosecutions.

(2) Each such demand shall:

(a) State the statute and section or sections thereof, the alleged violation of which is under investigation, and the general subject matter of the investigation;

(b) If the demand is for the production of documentary material, describe the class or classes of documentary material to be produced thereunder with reasonable specificity so as fairly to indicate the material demanded;

(c) Prescribe a return date within which the documentary material is to be produced, the answers to written interrogatories are to be made, or a date, time, and place at which oral testimony is to be taken; and

(d) Identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying, to whom answers to written interrogatories are to be made, or who are to conduct the examination for oral testimony.

(3) No such demand shall:

(a) Contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum, a request for answers to written interrogatories, or a request for deposition upon oral examination issued by a court of this state; or

(b) Require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of this state.

(4) Service of any such demand may be made by:

(a) Delivering a duly executed copy thereof to the person to be served, or, if such person is not a natural person, to any officer or managing agent of the person to be served; or

(b) Delivering a duly executed copy thereof to the principal place of business in this state of the person to be served; or

(c) Mailing by registered or certified mail a duly executed copy thereof addressed to the person to be served at the principal place of business in this state, or, if said

person has no place of business in this state, to his principal office or place of business.

(5)(a) Documentary material demanded pursuant to the provisions of this section shall be produced for inspection and copying during normal business hours at the principal office or place of business of the person served, or at such other times and places as may be agreed upon by the person served and the attorney general;

(b) Written interrogatories in a demand served under this section shall be answered in the same manner as provided in the civil rules for superior court;

(c) The oral testimony of any person obtained pursuant to a demand served under this section shall be taken in the same manner as provided in the civil rules for superior court for the taking of depositions. In the course of the deposition, the assistant attorney general conducting the examination may exclude from the place where the examination is held all persons other than the person being examined, the person's counsel, and the officer before whom the testimony is to be taken;

(d) Any person compelled to appear pursuant to a demand for oral testimony under this section may be accompanied by counsel;

(e) The oral testimony of any person obtained pursuant to a demand served under this section shall be taken in the county within which the person resides, is found, or transacts business, or in such other place as may be agreed upon between the person served and the attorney general.

(6) No documentary material, answers to written interrogatories, or transcripts of oral testimony produced pursuant to a demand, or copies thereof, shall, unless otherwise ordered by a superior court for good cause shown, be produced for inspection or copying by, nor shall the contents thereof be disclosed to, other than an authorized employee of the attorney general, without the consent of the person who produced such material, answered written interrogatories, or gave oral testimony: *Provided*, That, under such reasonable terms and conditions as the attorney general shall prescribe, the copies of such documentary material, answers to written interrogatories, or transcripts of oral testimony shall be available for inspection and copying by the person who produced such material, answered written interrogatories, or gave oral testimony, or any duly authorized representative of such person. The attorney general or any assistant attorney general may use such copies of documentary material, answers to written interrogatories, or transcripts of oral testimony as he determines necessary in the enforcement of this chapter, including presentation before any court: *Provided*, That any such material, answers to written interrogatories, or transcripts of oral testimony which contain trade secrets shall not be presented except with the approval of the court in which action is pending after adequate notice to the person furnishing such material, answers to written interrogatories, or oral testimony.

(7) At any time before the return date specified in the demand, or within twenty days after the demand has been served, whichever period is shorter, a petition to

extend the return date for, or to modify or set aside a demand issued pursuant to subsection (1), stating good cause, may be filed in the superior court for Thurston county, or in such other county where the parties reside. A petition, by the person on whom the demand is served, stating good cause, to require the attorney general or any person to perform any duty imposed by the provisions of this section, and all other petitions in connection with a demand, may be filed in the superior court for Thurston county, or in the county where the parties reside. The court shall have jurisdiction to impose such sanctions as are provided for in the civil rules for superior court with respect to discovery motions.

(8) Whenever any person fails to comply with any civil investigative demand for documentary material, answers to written interrogatories, or oral testimony duly served upon him under this section, or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the attorney general may file, in the trial court of general jurisdiction of the county in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section, except that if such person transacts business in more than one county such petition shall be filed in the county in which such person maintains his principal place of business, or in such other county as may be agreed upon by the parties to such petition. Whenever any petition is filed in the trial court of general jurisdiction of any county under this section, such court shall have jurisdiction to hear and determine the matter so presented and to enter such order or orders as may be required to carry into effect the provisions of this section, and may impose such sanctions as are provided for in the civil rules for superior court with respect to discovery motions. [1982 c 137 § 1; 1970 ex.s. c 26 § 4; 1961 c 216 § 11.]

**Reviser's note:** RCW 19.86.110 appears in this supplement solely to correct a clerical error that appears in this section in the main volume of the RCW (1985 ed.).

**Rules of court:** See *Rules for Superior Court*.

### Chapter 19.91

#### UNFAIR CIGARETTE SALES BELOW COST ACT

##### Sections

19.91.010	Definitions. (Effective until July 1, 1991.)
19.91.010	Repealed. (Effective July 1, 1991.)
19.91.020	through 19.91.190 Repealed. (Effective July 1, 1991.)
19.91.300	Cigarettes—Sales below cost prohibited. (Effective July 1, 1991.)
19.91.900	Repealed. (Effective July 1, 1991.)
19.91.910	Repealed. (Effective July 1, 1991.)
19.91.911	Repealed.

**19.91.010 Definitions. (Effective until July 1, 1991.)**  
When used in this chapter, the following words and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Person" means and includes any individual, firm, association, company, partnership, corporation, joint

stock company, club, agency, syndicate, municipal corporation, or other political subdivision of this state, trust, receiver, trustee, fiduciary and conservator.

(2) "Wholesaler" includes any person who:

(a) Purchases cigarettes directly from the manufacturer, or

(b) Purchases cigarettes from any other person who purchases from or through the manufacturer, for the purpose of bona fide resale to retail dealers or to other persons for the purpose of resale only, or

(c) Services retail outlets by the maintenance of an established place of business for the purchase of cigarettes, including, but not limited to, the maintenance of warehousing facilities for the storage and distribution of cigarettes.

Nothing contained herein shall prevent a person from qualifying in different capacities as both a "wholesaler" and "retailer" under the applicable provisions of this chapter.

(3) "Retailer" means and includes any person who operates a store, stand, booth, concession, or vending machine for the purpose of making sales of cigarettes at retail.

(4) "Cigarettes" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

(5) "Sale" means any transfer for a consideration, exchange, barter, gift, offer for sale and distribution, in any manner, or by any means whatsoever.

(6) "Sell at wholesale", "sale at wholesale" and "wholesale" sales mean and include any bona fide transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or in the usual conduct of the wholesaler's business, to a retailer for the purpose of resale.

(7) "Sell at retail", "sale at retail" and "retail sales" mean and include any transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or usual conduct of the seller's business, to the purchaser for consumption or use.

(8) "Basic cost of cigarettes" means the invoice cost of cigarettes to the retailer or wholesaler, as the case may be, or the replacement cost of cigarettes to the retailer or wholesaler, as the case may be, in the quantity last purchased, whichever is lower, to which shall be added the full face value of any stamps which may be required by any cigarette tax act of this state and by ordinance of any municipality thereof, now in effect or hereafter enacted, if not already included by the manufacturer in his list price. The disposition of the manufacturers' cash discount is at the discretion of the wholesaler. Any retailer or wholesaler who actually receives and sells cigarettes with trade or cash discounts shall execute a sworn affidavit and obtain a sworn affidavit from the person granting the discount, whether a manufacturer or wholesaler, which shows: (a) Amount or rate of the discount, (b) date the discount was granted, (c) names of the persons granting and receiving

the discount, and (d) whether the discount is for cash or trade purposes. Sworn affidavits under this section are maintained for five years and available for inspection by the department of revenue's request. The department of revenue may impose a civil penalty not to exceed two hundred fifty dollars for each failure to maintain affidavits under this section.

Nothing in this section may be construed to require any retailer to obtain affidavits from retail purchasers of cigarettes.

(9) (a) The term "cost to the wholesaler" means the "basic cost of cigarettes" to the wholesaler plus the "cost of doing business by the wholesaler" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said wholesalers "cost of doing business" bears to said wholesalers dollar volume for all products sold by the wholesaler per annum, and said "cost of doing business by the wholesaler" shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor costs (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling cost, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the "basic cost of cigarettes". Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the wholesaler per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

(b) For the purposes of this chapter the "cost of doing business" may not be computed using a percentage less than the overall percentage shown in subsection (9)(a) of this section or in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the wholesaler making the sale, the "cost of doing business by the wholesaler" shall be presumed to be the percentage of the "basic cost of cigarettes" to the wholesaler specified in (c) of this subsection, plus cartage to the retail outlet, if performed or paid for by the wholesaler, which cartage cost, in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost, shall be deemed to be one-half of one percent of the "basic cost of cigarettes" to the wholesaler.

(c) For the purposes of (b) of this subsection, the percentage of the basic cost of cigarettes to the wholesaler shall be:

- (i) Four percent until July 1, 1987;
- (ii) Three and one-half percent from July 1, 1987, until July 1, 1988;
- (iii) Three percent from July 1, 1988, until July 1, 1989;
- (iv) Two and one-half percent from July 1, 1989, until July 1, 1990; and
- (v) Two percent from July 1, 1990, until July 1, 1991.

(10) (a) The term "cost to the retailer" means the "basic cost of cigarettes" to the retailer plus the "cost of doing business by the retailer" which said cost of doing

business amount shall be expressed percentage-wise in the ratio that said retailers "cost of doing business" bears to said retailers dollar volume per annum, and said "cost of doing business by the retailer" shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the "basic cost of cigarettes": *Provided*, That any retailer who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, discounts ordinarily allowed upon purchases by a wholesaler shall, in determining "cost to the retailer", pursuant to this subdivision, add the "cost of doing business by the wholesaler," as defined in subdivision (9) of this section, to the "basic cost of cigarettes" to said retailer, as well as the "cost of doing business by the retailer". Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the retailer per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

(b) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the retailer making the sale, the "cost of doing business by the retailer" shall be presumed to be the percentage of the "basic cost of cigarettes" to the retailer specified in (d) of this subsection.

(c) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business, the "cost of doing business by the retailer", who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be the percentage of the sum of the "basic cost of cigarettes" and the "cost of doing business by the wholesaler" specified in (d) of this subsection.

(d) For the purposes of (b) and (c) of this subsection, the percentage shall be:

- (i) Eleven and one-half percent until July 1, 1987;
- (ii) Ten and one-half percent from July 1, 1987, until July 1, 1988;
- (iii) Nine and one-half percent from July 1, 1988, until July 1, 1989;
- (iv) Eight and one-half percent from July 1, 1989, until July 1, 1990;
- (v) Seven and one-half percent from July 1, 1990, until July 1, 1991.

(11) "Business day" means any day other than a Sunday or a legal holiday.

(12) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a

master license expiration date common to each renewable license endorsement. [1986 c 321 § 2; 1984 c 173 § 1; 1983 c 2 § 3. Prior: 1982 1st ex.s. c 16 § 1; 1982 c 182 § 34; 1979 c 107 § 1; 1967 ex.s. c 26 § 20; 1957 c 286 § 1.]

**Effective date**—1984 c 173: "Section 1 of this act is effective July 1, 1984." [1984 c 173 § 3.]

**Severability**—1983 c 2: See note following RCW 18.71.030.

**Severability**—1982 c 182: See RCW 19.02.901.

**Effective date**—1967 ex.s. c 26: See note following RCW 82.01.050.

*Tax on cigarettes*

*for school bonds: RCW 28A.47.440.*

*generally: Chapter 82.24 RCW.*

**19.91.010 Repealed. (Effective July 1, 1991.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**19.91.020 through 19.91.190 Repealed. (Effective July 1, 1991.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**19.91.300 Cigarettes—Sales below cost prohibited. (Effective July 1, 1991.)** No person licensed to sell cigarettes under chapter 82.24 RCW may sell cigarettes below the actual price paid. Violations of this section constitute unfair or deceptive acts or practices under the consumer protection act, chapter 19.86 RCW. [1986 c 321 § 13.]

**Policy—Intent—Savings—Effective date**—1986 c 321: See notes following RCW 82.24.500.

**19.91.900 Repealed. (Effective July 1, 1991.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**19.91.910 Repealed. (Effective July 1, 1991.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**19.91.911 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

## Chapter 19.114

### USED AUTOMOTIVE OIL RECYCLING

#### Sections

19.114.040 Standard for above-ground used oil collection tanks.

**19.114.040 Standard for above-ground used oil collection tanks.** By January 1, 1987, the state fire protection board, in cooperation with the department of ecology, shall develop a state-wide standard for the placement of above-ground tanks to collect used oil from private individuals for recycling purposes. [1986 c 37 § 1.]

## Chapter 19.120

### GASOLINE DEALER BILL OF RIGHTS ACT

#### Sections

19.120.010	Definitions.
19.120.020	Sale of franchise to third party.
19.120.030	Sale of franchise to corporation.
19.120.040	Franchise considered personal property—Designated successor in interest.
19.120.050	Purchase of real estate and improvements owned by refiner-supplier—Retailer given right of first refusal—Notice to retailer.
19.120.060	Refiner-suppliers—Prohibited conduct.
19.100.070	Offers, sales, or purchases of franchises—Unlawful acts.
19.120.080	Refiner-supplier and retailer relationship—Rights and prohibitions.
19.120.090	Action for damages, rescission, or other relief.
19.120.100	Limitation period tolled.
19.120.110	Civil actions by retailers—Attorneys' fees.
19.120.120	Civil actions by attorney general—Attorneys' fees—Criminal actions not limited by chapter.
19.120.130	Exception or exemption—Burden of proof—Waiver of provisions of chapter void.
19.120.900	Short title.
19.120.901	Application of chapter.
19.120.902	Intent—Interpretation consistent with chapter 19.100 RCW.
19.120.903	Liberal construction.
19.120.904	Severability—1986 c 320.
19.120.905	Effective date—1986 c 320.

**19.120.010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advertisement" means any written or printed communication or any communication by means of recorded telephone messages or spoken on radio, television, or similar communication media published in connection with an offer or sale of a franchise.

(2) "Affiliate" means any person, firm, or corporation who controls or is controlled by any motor fuel refiner-supplier, and includes any subsidiary or affiliated corporation in which the motor fuel refiner-supplier or its shareholders, officers, agents, or employees hold or control more than twenty-five percent of the voting shares.

(3) "Community interest" means a continuing financial interest between the motor fuel refiner-supplier and motor fuel retailer in the operation of the franchise business.

(5) "Motor fuel" means gasoline or diesel fuel of a type distributed for use in self-propelled motor vehicles and includes gasohol.

(6) "Motor fuel franchise" means any oral or written contract, either expressed or implied, between a motor fuel refiner-supplier and motor fuel retailer under which the motor fuel retailer is supplied motor fuel for resale to the public under a trademark owned or controlled by the motor fuel refiner-supplier or for sale on commission or for a fee to the public, or any agreements between a motor fuel refiner-supplier and motor fuel retailer under which the retailer is permitted to occupy premises owned, leased, or controlled by the refiner-supplier for the purpose of engaging in the retail sale of motor fuel under a trademark owned or controlled by the motor

fuel refiner-supplier supplied by the motor fuel refiner-supplier.

(7) "Motor fuel refiner-supplier" means any person, firm, or corporation, including any affiliate of the person, firm, or corporation, engaged in the refining of crude oil into petroleum who supplies motor fuel for sale, consignment, or distribution through retail outlets.

(8) "Motor fuel retailer" means a person, firm, or corporation that resells motor fuel entirely at one or more retail motor fuel outlets pursuant to a motor fuel franchise entered into with a refiner-supplier.

(9) "Offer or offer to sell" includes every attempt or offer to dispose of or solicitation of an offer to buy a franchise or an interest in a franchise.

(10) "Person" means a natural person, corporation, partnership, trust, or other entity and in the case of an entity, it shall include any other entity which has a majority interest in such an entity or effectively controls such other entity as well as the individual officers, directors, and other persons in act of control of the activities of each such entity.

(11) "Price" means the net purchase price, after adjustment for commission, brokerage, rebate, discount, services or facilities furnished, or other such adjustment.

(12) "Publish" means publicly to issue or circulate by newspaper, mail, radio, or television or otherwise to disseminate to the public.

(13) "Retail motor fuel outlet" means any location where motor fuel is distributed for purposes other than resale.

(14) "Sale or sell" includes every contract of sale, contract to sell, or disposition of a franchise.

(15) "Trademark" means any trademark, trade name, service mark, or other identifying symbol or name. [1986 c 320 § 1.]

Reviser's note: Subsection (4) of this section was vetoed.

**19.120.020 Sale of franchise to third party.** Notwithstanding the terms of any motor fuel franchise, a motor fuel refiner-supplier shall not absolutely prohibit or unreasonably withhold its consent to any sale, assignment, or other transfer of the motor fuel franchise by a motor fuel retailer to a third party without fairly compensating the motor fuel retailer for the fair market value, at the time of expiration of the franchise, of the motor fuel retailer's inventory, supplies, equipment, and furnishings purchased from the motor fuel refiner-supplier, and good will, exclusive of personalized materials which have no value to the motor fuel refiner-supplier, and inventory, supplies, equipment, and furnishings not reasonably required in the conduct of the franchise business. A motor fuel refiner-supplier may offset against amounts owed to a motor fuel retailer under this section any amounts owed by the motor fuel retailer to the motor fuel refiner-supplier. [1986 c 320 § 3.]

**19.120.030 Sale of franchise to corporation.** Notwithstanding the terms of any motor fuel franchise, no motor fuel refiner-supplier may prohibit or prevent the sale, assignment, or other transfer of the motor fuel

franchise to a corporation in which the motor fuel retailer has and maintains a controlling interest if the motor fuel retailer offers in writing personally to guarantee the performance of the obligations under the motor fuel franchise. [1986 c 320 § 4.]

**19.120.040 Franchise considered personal property—Designated successor in interest.** Notwithstanding the terms of any motor fuel franchise, the interest of a motor fuel retailer under such an agreement shall be considered personal property and shall devolve on the death of the motor fuel retailer to a designated successor in interest of the retailer, limited to the retailer's spouse, adult child, or adult stepchild or, if no successor in interest is designated, to the retailer's spouse, if any. The designation shall be made, witnessed in writing by at least two persons, and delivered to the motor fuel refiner-supplier during the term of the franchise. The designation may be revised at any time by the motor fuel retailer and shall be substantially in the following form:

"I (motor fuel retailer name) at the ----- service station located at -----, in the City of -----, Washington, designate ----- as my successor in interest under RCW 19.120.030 and ----- as my alternate successor if the originally designated successor is unable or unwilling so to act.  
I so specify this ----- day of -----, 19\_\_\_."

The motor fuel refiner-supplier shall assist the designated successor in interest temporarily in the day-to-day operation of the service station to insure continued operation of the service station. [1986 c 320 § 5.]

**19.120.050 Purchase of real estate and improvements owned by refiner-supplier—Retailer given right of first refusal—Notice to retailer.** Notwithstanding the terms of any motor fuel franchise, the motor fuel retailer shall be given the right of first refusal to purchase the real estate and/or improvements owned by the refiner-supplier at the franchise location, and at least thirty days' advance notice within which to exercise this right, prior to any sale thereof to any other buyer. [1986 c 320 § 6.]

**19.120.060 Refiner-suppliers—Prohibited conduct.** Notwithstanding the terms of any motor fuel franchise, no motor fuel refiner-supplier may:

(1) Require any motor fuel retailer to meet mandatory minimum sales volume requirements for fuel or other products unless the refiner-supplier proves that its price to the motor fuel retailer has been sufficiently low to enable the motor fuel retailer reasonably to meet the mandatory minimum;

(2) Alter, or require the motor fuel retailer to consent to the alteration of, any provision of the motor fuel franchise during its effective term without mutual consent of the motor fuel retailer;

(3) Interfere with any motor fuel retailer's right to assistance of counsel on any matter or to join or be active in any trade association; and

(4) Set or compel, directly or indirectly, the retail price at which the motor fuel retailer sells motor fuel or other products to the public. [1986 c 320 § 7.]

**19.100.070 Offers, sales, or purchases of franchises—Unlawful acts.** It is unlawful for any person in connection with the offer, sale, or purchase of any motor fuel franchise directly or indirectly:

(1) To sell or offer to sell a motor fuel franchise in this state by means of any written or oral communication which includes an untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made in light of the circumstances under which they were made not misleading.

(2) To employ any device, scheme, or artifice to defraud.

(3) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person. [1986 c 320 § 8.]

**19.120.080 Refiner-supplier and retailer relationship—Rights and prohibitions.** Without limiting the other provisions of this chapter, the following specific rights and prohibitions shall govern the relation between the motor fuel refiner-supplier and the motor fuel retailers:

(1) The parties shall deal with each other in good faith.

(2) For the purposes of this chapter and without limiting its general application, it shall be an unfair or deceptive act or practice or an unfair method of competition and therefore unlawful and a violation of this chapter for any person to:

(a) Require a motor fuel retailer to purchase or lease goods or services of the motor fuel refiner-supplier or from approved sources of supply unless and to the extent that the motor fuel refiner-supplier satisfies the burden of proving that such restrictive purchasing agreements are reasonably necessary for a lawful purpose justified on business grounds, and do not substantially affect competition: *Provided*, That this provision shall not apply to the initial inventory of the motor fuel franchise. In determining whether a requirement to purchase or lease goods or services constitutes an unfair or deceptive act or practice or an unfair method of competition the courts shall be guided by the decisions of the courts of the United States interpreting and applying the anti-trust laws of the United States.

(b) Discriminate between motor fuel retailers in the charges offered or made for royalties, goods, services, equipment, rentals, advertising services, or in any other business dealing, unless and to the extent that the motor fuel refiner-supplier satisfies the burden of proving that any classification of or discrimination between motor fuel retailers is reasonable, is based on motor fuel franchises granted at materially different times and such discrimination is reasonably related to such difference in time or on other proper and justifiable distinctions considering the purposes of this chapter, and is not arbitrary.

(c) Sell, rent, or offer to sell to a motor fuel retailer any product or service for more than a fair and reasonable price.

(d) Require [a] motor fuel retailer to assent to a release, assignment, novation, or waiver which would relieve any person from liability imposed by this chapter. [1986 c 320 § 9.]

**19.120.090 Action for damages, rescission, or other relief.** (1) Any person who sells or offers to sell a motor fuel franchise in violation of this chapter shall be liable to the motor fuel retailer or motor fuel refiner-supplier who may sue at law or in equity for damages caused thereby for rescission or other relief as the court may deem appropriate. In the case of a violation of RCW 19.120.070 rescission is not available to the plaintiff if the defendant proves that the plaintiff knew the facts concerning the untruth or omission or that the defendant exercised reasonable care and did not know or if he had exercised reasonable care would not have known of the untruth or omission.

(2) The suit authorized under subsection (1) of this section may be brought to recover the actual damages sustained by the plaintiff: *Provided*, That the prevailing party may in the discretion of the court recover the costs of said action including a reasonable attorneys' fee.

(3) Any person who becomes liable to make payments under this section may recover contributions as in cases of contracts from any persons who, if sued separately, would have been liable to make the same payment.

(4) A final judgment, order, or decree heretofore or hereafter rendered against a person in any civil, criminal, or administrative proceedings under the United States anti-trust laws, under the Federal Trade Commission Act, or this chapter shall be regarded as evidence against such persons in any action brought by any party against such person under subsection (1) of this section as to all matters which said judgment or decree would be an estoppel between the parties thereto. [1986 c 320 § 10.]

**19.120.100 Limitation period tolled.** The pendency of any civil, criminal, or administrative proceedings against a person brought by the federal or Washington state governments or any of their agencies under the anti-trust laws, the Federal Trade Commission Act, or any federal or state act related to anti-trust laws or to franchising, or under this chapter shall toll the limitation of this action if the action is then instituted within one year after the final judgment or order in such proceedings: *Provided*, That said limitation of actions shall in any case toll the law so long as there is actual concealment on the part of the person. [1986 c 320 § 11.]

**19.120.110 Civil actions by retailers—Attorneys' fees.** Any motor fuel retailer who is injured in his or her business by the commission of any act prohibited by this chapter, or any motor fuel retailer injured because of his or her refusal to accede to a proposal for an arrangement which, if consummated, would be in violation of this



chapter may bring a civil action in superior court to enjoin further violations, to recover the actual damages sustained by him or her, or both, together with the costs of the suit, including reasonable attorney's fees. [1986 c 320 § 12.]

**19.120.120 Civil actions by attorney general—Attorneys' fees—Criminal actions not limited by chapter.**

(1) The attorney general may bring an action in the name of the state against any person to restrain and prevent the doing of any act herein prohibited or declared to be unlawful. The prevailing party may in the discretion of the court recover the costs of such action including a reasonable attorneys' fee.

(2) Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law. [1986 c 320 § 13.]

**19.120.130 Exception or exemption—Burden of proof—Waiver of provisions of chapter void.** In any proceeding under this chapter, the burden of proving an exception or an exemption from definition is upon the person claiming it. Any condition, stipulation or provision purporting to bind any person acquiring a motor fuel franchise at the time of entering into a motor fuel franchise or other agreement to waive compliance with any provision of this chapter or any rule or order hereunder is void. [1986 c 320 § 14.]

**19.120.900 Short title.** This chapter shall be known as the "gasoline dealer bill of rights act." [1986 c 320 § 19.]

**19.120.901 Application of chapter.** The provisions of this chapter apply to any motor fuel franchise or contract entered into or renewed on or after June 30, 1986, between a motor fuel refiner-supplier and a motor fuel retailer. [1986 c 320 § 15.]

**19.120.902 Intent—Interpretation consistent with chapter 19.100 RCW.** It is the intent of the legislature that this chapter be interpreted consistent with chapter 19.100 RCW. [1986 c 320 § 17.]

**19.120.903 Liberal construction.** This chapter shall be liberally construed to effectuate its beneficial purposes. [1986 c 320 § 18.]

**19.120.904 Severability—1986 c 320.** 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. [1986 c 320 § 22.]

**19.120.905 Effective date—1986 c 320.** (1) Sections 20 and 21 are 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.

(2) Sections 1 through 19, 22 and 23 of this act shall take effect June 30, 1986. [1986 c 320 § 24.]

**Reviser's note:** (1) Sections 20 and 21 of this act are uncodified sections that took effect April 4, 1986.

(2) Sections 1 through 19, 22 and 23 of this act consist of the enactment of RCW 19.120.010 through 19.120.130 and 19.120.900 through 19.120.904.

## Chapter 19.134

### CREDIT SERVICES ORGANIZATION ACT

#### Sections

19.134.010	Definitions.
19.134.020	Prohibited conduct.
19.134.030	Surety bond and trust account—Exception to requirement.
19.134.040	Information statement—Prerequisite to contract or payment—File maintained.
19.134.050	Information statement—Contents.
19.134.060	Contract for purchase of services—Contents—Notice of cancellation—Buyer's copy.
19.134.070	Waiver of rights—Violations—Enforcement—Unfair business practice.
19.134.080	Damages—Attorney's fees.
19.134.900	Short title.

#### **19.134.010 Definitions.** As used in this chapter:

(1) "Buyer" means any individual who is solicited to purchase or who purchases the services of a credit services organization.

(2)(a) "Credit services organization" means any person who, with respect to the extension of credit by others, sells, provides, performs, or represents that he or she can or will sell, provide, or perform, in return for the payment of money or other valuable consideration any of the following services:

(i) Improving a buyer's credit record, history, or rating;

(ii) Obtaining an extension of credit for a buyer; or

(iii) Providing advice or assistance to a buyer with regard to either (a)(i) or (a)(ii) of this subsection.

(b) "Credit services organization" does not include:

(i) Any person authorized to make loans or extensions of credit under the laws of this state or the United States who is subject to regulation and supervision by this state or the United States or a lender approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the national housing act;

(ii) Any bank, savings bank, or savings and loan institution whose deposits or accounts are eligible for insurance by the federal deposit insurance corporation or the federal savings and loan insurance corporation, or a subsidiary of such bank, savings bank, or savings and loan institution;

(iii) Any credit union, federal credit union, or out-of-state credit union doing business in this state under chapter 31.12 RCW;

(iv) Any nonprofit organization exempt from taxation under section 501(c)(3) of the internal revenue code;

(v) Any person licensed as a real estate broker by this state if the person is acting within the course and scope of that license;

(vi) Any person licensed as a collection agency pursuant to chapter 19.16 RCW if acting within the course and scope of that license;

(vii) Any person licensed to practice law in this state if the person renders services within the course and scope of his or her practice as an attorney;

(viii) Any broker-dealer registered with the securities and exchange commission or the commodity futures trading commission if the broker-dealer is acting within the course and scope of that regulation; or

(ix) Any consumer reporting agency as defined in the federal fair credit reporting act, 15 U.S.C. Secs. 1681 through 1681t.

(3) "Extension of credit" means the right to defer payment of debt or to incur debt and defer its payment offered or granted primarily for personal, family, or household purposes. [1986 c 218 § 2.]

**19.134.020 Prohibited conduct.** A credit services organization, its salespersons, agents, and representatives, and independent contractors who sell or attempt to sell the services of a credit services organization may not do any of the following:

(1) Charge or receive any money or other valuable consideration prior to full and complete performance of the services the credit services organization has agreed to perform for the buyer, unless the credit services organization has obtained a surety bond of ten thousand dollars issued by a surety company admitted to do business in this state and established a trust account at a federally insured bank or savings and loan association located in this state;

(2) Charge or receive any money or other valuable consideration solely for referral of the buyer to a retail seller who will or may extend credit to the buyer if the credit that is or will be extended to the buyer is upon substantially the same terms as those available to the general public;

(3) Make or counsel or advise any buyer to make any statement that is untrue or misleading or that should be known by the exercise of reasonable care to be untrue or misleading, to a credit reporting agency or to any person who has extended credit to a buyer or to whom a buyer is applying for an extension of credit with respect to a buyer's credit worthiness, credit standing, or credit capacity;

(4) Make or use any untrue or misleading representations in the offer or sale of the services of a credit services organization or engage, directly or indirectly, in any act, practice, or course of business that operates or would operate as fraud or deception upon any person in connection with the offer or sale of the services of a credit services organization. [1986 c 218 § 3.]

**19.134.030 Surety bond and trust account—Exception to requirement.** If a credit services organization is in compliance with RCW 19.134.020(1), the salesperson, agent, or representative who sells the services of that organization is not required to obtain a surety bond and establish a trust account. [1986 c 218 § 4.]

**19.134.040 Information statement—Prerequisite to contract or payment—File maintained.** Before the execution of a contract or agreement between the buyer and a credit services organization or before the receipt by the credit services organization of any money or other valuable consideration, whichever occurs first, the credit services organization shall provide the buyer with a statement in writing, containing all the information required by RCW 19.134.050. The credit services organization shall maintain on file for a period of two years an exact copy of the statement, personally signed by the buyer, acknowledging receipt of a copy of the statement. [1986 c 218 § 5.]

**19.134.050 Information statement—Contents.** The information statement required under RCW 19.134.040 shall include all of the following:

(1)(a) A complete and accurate statement of the buyer's right to review any file on the buyer maintained by any consumer reporting agency, as provided under the federal Fair Credit Reporting Act, 15 U.S.C. Secs. 1681 through 1681t;

(b) A statement that the buyer may review his or her consumer reporting agency file at no charge if a request is made to the consumer credit reporting agency within thirty days after receiving notice that credit has been denied; and

(c) The approximate price the buyer will be charged by the consumer reporting agency to review his or her consumer reporting agency file;

(2) A complete and accurate statement of the buyer's right to dispute the completeness or accuracy of any item contained in any file on the buyer maintained by any consumer reporting agency;

(3) A complete and detailed description of the services to be performed by the credit services organization for the buyer and the total amount the buyer will have to pay, or become obligated to pay, for the services;

(4) A statement asserting the buyer's right to proceed against the bond or trust account required under RCW 19.134.020; and

(5) The name and address of the surety company that issued the bond, or the name and address of the depository and the trustee and the account number of the trust account. [1986 c 218 § 6.]

**19.134.060 Contract for purchase of services—Contents—Notice of cancellation—Buyer's copy.**

(1) Each contract between the buyer and a credit services organization for the purchase of the services of the credit services organization shall be in writing, dated, signed by the buyer, and include all of the following:

(a) A conspicuous statement in bold face type, in immediate proximity to the space reserved for the signature of the buyer, as follows: "You, the buyer, may cancel this contract at any time prior to midnight of the fifth day after the date of the transaction. See the attached notice of cancellation form for an explanation of this right";

(b) The terms and conditions of payment, including the total of all payments to be made by the buyer,

whether to the credit services organization or to some other person;

(c) A full and detailed description of the services to be performed by the credit services organization for the buyer, including all guarantees and all promises of full or partial refunds, and the estimated date by which the services are to be performed, or estimated length of time for performing the services;

(d) The credit services organization's principal business address and the name and address of its agent in the state authorized to receive service of process;

(2) The contract shall be accompanied by a completed form in duplicate, captioned "Notice of Cancellation" that shall be attached to the contract, be easily detachable, and contain in bold face type the following statement written in the same language as used in the contract.

"Notice of Cancellation

You may cancel this contract, without any penalty or obligation within five days from the date the contract is signed.

If you cancel any payment made by you under this contract, it will be returned within ten days following receipt by the seller of your cancellation notice.

To cancel this contract, mail or deliver a signed dated copy of this cancellation notice, or any other written notice to \_\_\_\_\_ (name of seller) at \_\_\_\_\_ (address of seller) \_\_\_\_\_ (place of business) \_\_\_\_\_ not later than midnight \_\_\_\_\_ (date)

I hereby cancel this transaction, \_\_\_\_\_ (date) \_\_\_\_\_ (purchaser's signature) "

The credit services organization shall give to the buyer a copy of the completed contract and all other documents the credit services organization requires the buyer to sign at the time they are signed. [1986 c 218 § 7.]

**19.134.070 Waiver of rights—Violations—Enforcement—Unfair business practice.** (1) Any waiver by a buyer of any part of this chapter is void. Any attempt by a credit services organization to have a buyer waive rights given by this chapter is a violation of this chapter.

(2) In any proceeding involving this chapter, the burden of proving an exemption or an exception from a definition is upon the person claiming it.

(3) Any person who violates this chapter is guilty of a gross misdemeanor. Any district court of this state has jurisdiction in equity to restrain and enjoin the violation of this chapter.

(4) This section does not prohibit the enforcement by any person of any right provided by this or any other law.

(5) A violation of this chapter by a credit services organization is an unfair business practice as provided in chapter 19.86 RCW. [1986 c 218 § 8.]

**19.134.080 Damages—Attorney's fees.** (1) Any buyer injured by a violation of this chapter may bring any action for recovery of damages. Judgment shall be entered for actual damages, but in no case less than the amount paid by the buyer to the credit services organization, plus reasonable attorney's fees and costs. An award may also be entered for punitive damages.

(2) The remedies provided under this chapter are in addition to any other procedures or remedies for any violation or conduct provided for in any other law. [1986 c 218 § 9.]

**19.134.900 Short title.** This chapter may be known and cited as the "credit services organizations act." [1986 c 218 § 1.]

Chapter 19.138

TRAVEL CHARTER AND TOUR OPERATORS

(Effective January 1, 1987)

Sections

- 19.138.010 Legislative finding and declaration.
- 19.138.020 Definitions.
- 19.138.030 Advertising—Restrictions.
- 19.138.040 Written statement by travel charter or tour operator—Contents.
- 19.138.050 Cancellation—Material misrepresentation—Refund.
- 19.138.060 Trust account or bond required—Violation—Penalty.
- 19.138.070 Exemption from RCW 19.138.060—Written agreement required—Violation—Penalty.
- 19.138.080 Application of consumer protection act.
- 19.138.090 Application of chapter to public charter operators.
- 19.138.900 Severability—1986 c 283.
- 19.138.901 Effective date—1986 c 283.

**19.138.010 Legislative finding and declaration.** The legislature finds and declares that advertising, sales, and business practices of certain travel charter or tour operators have worked financial hardship upon the people of this state; that the travel business has a significant impact upon the economy and well-being of this state and its people; that problems have arisen regarding certain segments of the travel charter or tour operator business; and that the public welfare requires regulation of travel charter or tour operators in order to eliminate unfair advertising, sales and business practices. The legislature further finds it necessary to establish standards that will safeguard the people against financial hardship and to encourage fair dealing and prosperity in the travel business. [1986 c 283 § 1.]

**19.138.020 Definitions.** (1) "Travel charter or tour operator" means a person who sells, provides, furnishes, contracts for, arranges, or advertises in this state that he or she can or may arrange, or has arranged air, sea, or land transportation either separately or in conjunction with other services. "Travel charter or tour operator" does not include:

- (a) An air carrier;
- (b) An ocean carrier;
- (c) A motor carrier;
- (d) A rail carrier;

- (e) A charter party carrier;
  - (f) An auto transportation carrier;
  - (g) A person who operates a travel agency business and meets standards no less than those required on January 1, 1987, for authorized agents of the airline reporting corporation;
  - (h) A person who:
    - (i) Has operated a travel tour or charter business for at least three years under the same ownership or management;
    - (ii) Has total annual revenue, not including airline transportation fares, of at least five hundred thousand dollars;
    - (iii) Has a certificate of insurance issued by a company authorized to conduct an insurance business under the laws of any state for at least one million dollars for errors and omissions; and
    - (iv) Has in effect a surety bond for at least one hundred thousand dollars to the benefit of any consumer who has made payment to the person operating the travel tour or charter business; or
  - (i) A person who sells membership in an organization, club, or association that entitles the purchaser to obtain transportation or other services from a travel charter or tour operator and who does not arrange or provide for transportation.
- (2) "Advertise" means to make any representation in conjunction with, or to effect the sale of, travel services and includes communication with other members of the same partnership, corporation, joint venture, association, organization, group or other entity.
- (3) "Passenger" is a person who purchases travel arrangements in Washington state and on whose behalf money or other consideration has been given or is to be given to another, including another member of the same partnership, corporation, joint venture, association, organization, group or other entity, for procuring transportation or other travel services.
- (4) "Adequate bond" means a bond executed by an authorized surety insurer in an amount not less than fifty thousand dollars or an amount equal to ten percent of the total revenue of the two highest consecutive months for the travel charter or tour operator's business during the prior calendar year, whichever is greater, but in no case, more than five hundred thousand dollars, for the benefit of every person for whom services have not been delivered by the wrongful act of the principal acting in the course and scope of his or her occupation or business or by any official, agent, or employee of the principal acting in the course or scope of his or her employment or agency. [1986 c 283 § 2.]

**19.138.030 Advertising—Restrictions.** A travel charter or tour operator shall not advertise that air, sea, or land transportation either separately or in conjunction with other services is or may be available unless he or she has, prior to such advertisement, received written confirmation with a carrier for the transportation advertised. [1986 c 283 § 3.]

**19.138.040 Written statement by travel charter or tour operator—Contents.** At or prior to the time of full or partial payment for air, sea, or land transportation or any other services offered by the travel charter or tour operator in conjunction with such transportation, the travel charter or tour operator shall furnish to the person making the payment a written statement conspicuously setting forth the following information:

- (1) The name and business address and telephone number of the travel charter or tour operator.
- (2) The amount paid, the date of such payment, the purpose of the payment made, and an itemized statement of the balance due, if any.
- (3) The location and number of the trust account or bond required by this chapter.
- (4) The name of the carrier with whom the travel charter or tour operator has contracted to provide the transportation, the type of equipment contracted, and the date, time, and place of each departure: *Provided*, That the information required in this subsection may be provided at the time of final payment.
- (5) The conditions, if any, upon which the contract between the travel charter or tour operator and the passenger may be canceled, and the rights and obligations of all parties in the event of such cancellation.
- (6) A statement in eight-point boldface type in substantially the following form:

"If transportation or other services are canceled by the travel charter or tour operator, all sums paid to the travel charter or tour operator for services not performed in accordance with the contract between the travel charter or tour operator and the passenger will be refunded within fourteen days after the cancellation by the travel charter or tour operator to the passenger or the party who contracted for the passenger unless mutually acceptable alternative travel arrangements are provided." [1986 c 283 § 4.]

**19.138.050 Cancellation—Material misrepresentation—Refund.** (1) If the transportation or other services contracted for are canceled the travel charter or tour operator shall return to the passenger within fourteen days after the cancellation all moneys paid for services not performed in accordance with the contract unless mutually acceptable alternative travel arrangements are provided.

(2) Any material misrepresentation with regard to the transportation and other services offered shall be deemed to be a cancellation necessitating the refund required by this section. [1986 c 283 § 5.]

**19.138.060 Trust account or bond required—Violation—Penalty.** (1) Except as otherwise provided in subsection (3) of this section, a travel charter or tour operator shall deposit ninety percent of all sums received for transportation or any other services offered by the travel charter or tour operator in conjunction with such transportation in a trust account in a federally insured financial institution.

(2) The trust account required by this section shall be created and maintained for the benefit of the passengers

paying money to the travel charter or tour operator. The travel charter or tour operator shall not in any manner encumber the corpus of the account and shall not withdraw money therefrom except: (a) In an amount equal to partial or full payment for the services contracted for the passengers to the carrier or person providing the other services offered by the travel charter or tour operator; or (b) to make the refunds as required by RCW 19.138.050 or as provided for by written contract between the travel charter and tour operator and passengers. A travel charter and tour operator may withdraw from the account any interest earned and credited to the trust account for the sole benefit of the travel charter and tour operator after all services have been provided as contracted.

(3) A travel charter and tour operator, instead of maintaining a trust account as provided in subsections (1) and (2) of this section, may maintain an adequate bond.

(4) A violation of any provision of this section shall constitute a gross misdemeanor punishable under RCW 9A.20.021(2). [1986 c 283 § 6.]

**19.138.070 Exemption from RCW 19.138.060—Written agreement required—Violation—Penalty.** A travel charter or tour operator is not required to comply with RCW 19.138.060 if a written agreement exists between the travel charter or tour operator and a person who meets the requirements of RCW 19.138.020(1)(h) to provide full service in the event the travel charter or tour operator defaults in providing services to passengers, and the travel charter or tour operator states the existence of this agreement in all of its promotional brochures. Any misleading statement is a violation of this section, and shall constitute a gross misdemeanor punishable under RCW 9A.20.021(2). [1986 c 283 § 7.]

**19.138.080 Application of consumer protection act.** A violation of RCW 19.138.030 through 19.138.070 shall constitute a violation of RCW 19.86.020. [1986 c 283 § 8.]

**19.138.090 Application of chapter to public charter operators.** This chapter does not apply to the sale of public transportation by a public charter operator who is complying with regulations of the United States department of transportation. [1986 c 283 § 9.]

**19.138.900 Severability—1986 c 283.** 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. [1986 c 283 § 11.]

**19.138.901 Effective date—1986 c 283.** This act shall take effect January 1, 1987. [1986 c 283 § 12.]

## Title 20

### COMMISSION MERCHANTS— AGRICULTURAL PRODUCTS

#### Chapters

**20.01 Agricultural products—Commission merchants, dealers, brokers, buyers, agents.**

#### Chapter 20.01

### AGRICULTURAL PRODUCTS—COMMISSION MERCHANTS, DEALERS, BROKERS, BUYERS, AGENTS

#### Sections

20.01.010	Definitions.
20.01.035	Repealed.
20.01.125	Hay or straw—Certified vehicle tare and load weights—Violations.
20.01.130	Disposition of moneys.
20.01.210	Commission merchants, dealers—Bonds.
20.01.220	Action on bond for fraud.
20.01.230	Action on bond for failure to comply with chapter.
20.01.240	Claims against commission merchant, dealer.
20.01.290	Repealed.
20.01.460	Prohibited acts—Penalties.
20.01.482	Civil infractions—Notice—Promise to appear or respond—Misdemeanors.
20.01.484	Civil infractions—Response to notice.
20.01.486	Civil infractions—Hearing to contest charge—Order—Appeal.
20.01.488	Civil infractions—Informal hearing on mitigating circumstances—Order—No appeal.
20.01.490	Civil infractions—Monetary penalty—Failure to pay, misdemeanor.
20.01.610	Authority to stop vehicle violating chapter—Failure to stop, civil infraction.

**20.01.010 Definitions.** As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Director" means the director of agriculture or his duly authorized representative.

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) "Agricultural product" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock. When used in RCW 60.13.020, "agricultural product" means horticultural, viticultural, and berry products, hay and straw, and turf and forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of the products, or producing the products for others holding the title thereof.

(5) "Consignor" means any producer, person, or his agent who sells, ships, or delivers to any commission

merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale, or resale.

(6) "Commission merchant" means any person who receives on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of the consignor, or who accepts any farm product in trust from the consignor thereof for the purpose of resale, or who sells or offers for sale on commission any agricultural product, or who in any way handles for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a cash buyer, as defined in subsection (10) of this section, who solicits, contracts for, or obtains from the consignor thereof for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase. For the purposes of this chapter, the term dealer includes any person who purchases livestock on behalf of and for the account of another, or who purchases cattle in another state or country and imports these cattle into this state for resale.

(8) "Limited dealer" means any person operating under the alternative bonding provision in RCW 20.01.211.

(9) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product, but no broker may handle the agricultural products involved or proceeds of the sale.

(10) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession, or control of any agricultural product or who contracts for the title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check, or bankdraft may be used for the payment.

(11) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of that business at any location other than at the principal place of business of his employer. With the exception of an agent for a commission merchant or dealer handling horticultural products, an agent may operate only in the name of one principal and only to the account of that principal.

(12) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year.

(13) "Fixed or established place of business" for the purpose of this chapter means any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered, and generally dealt in in quantities reasonably adequate for and usually carried for the requirements of such a business, and that is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, which personnel are available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(14) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale.

(15) "Pooling contract" means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor that indicates the variety of horticultural product delivered, the number of containers, or the weight and tare thereof;

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records that shall include variety, grade, size, and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs. However, platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size, and date of delivery;

(c) Terms under which the commission merchant may use his judgment in regard to the sale of the pooled horticultural product;

(d) The charges to be paid by the consignor as filed with the state of Washington;

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

(16) "Date of sale" means the date agricultural products are delivered to the person buying the products.

(17) "Boom loader" means a person who owns or operates, or both, a mechanical device mounted on a vehicle and used to load hay or straw for compensation.

(18) "Conditioner" means any person, firm, company, or other organization that receives turf, forage, or vegetable seeds from a consignor for drying or cleaning.

(19) "Seed bailment contract" means any contract meeting the requirements of chapter 15.48 RCW.

(20) "Proprietary seed" means any seed that is protected under the Federal Plant Variety Protection Act.

(21) "Licensed public weighmaster" means any person, licensed under the provisions of chapter 15.80 RCW, who weighs, measures, or counts any commodity or thing and issues therefor a signed certified statement, ticket, or memorandum of weight, measure, or count upon which the purchase or sale of any commodity or upon which the basic charge of payment for services rendered is based.

(22) "Certified weight" means any signed certified statement or memorandum of weight, measure or count issued by a licensed public weighmaster in accordance with the provisions of chapter 15.80 RCW. [1986 c 178 § 6; 1985 c 412 § 8; 1983 c 305 § 1; 1982 c 194 § 1; 1981 c 296 § 30; 1979 ex.s. c 115 § 1; 1977 ex.s. c 304 § 1; 1974 ex.s. c 102 § 2; 1971 ex.s. c 182 § 1; 1967 c 240 § 40; 1963 c 232 § 1; 1959 c 139 § 1.]

**Severability**—1983 c 305: "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." [1983 c 305 § 78.]

**Severability**—1981 c 296: See note following RCW 15.04.020.

**20.01.035 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**20.01.125 Hay or straw—Certified vehicle tare and load weights—Violations.** Every dealer and commission merchant dealing in hay or straw shall obtain a certified vehicle tare weight and a certified vehicle gross weight for each load hauled and shall furnish the consignor with a copy of such certified weight ticket within seventy-two hours after taking delivery. It shall be a violation of this chapter for any licensee to transport hay or straw which has been purchased by weight without having obtained a certified weight ticket from the first licensed public weighmaster which would be encountered on the ordinary route to the destination where the hay or straw is to be unloaded. [1986 c 178 § 7; 1971 ex.s. c 182 § 6; 1963 c 232 § 8.]

**20.01.130 Disposition of moneys.** All fees and other moneys received by the department under the provisions of this chapter shall be paid to the director and shall be used solely for the purpose of carrying out the provisions of this chapter and rules adopted hereunder. All civil fines received by the courts as the result of notices of infractions issued by the director shall be paid to the director, less any mandatory court costs and assessments. [1986 c 178 § 8; 1973 c 142 § 1; 1971 ex.s. c 182 § 7; 1959 c 139 § 13.]

**20.01.210 Commission merchants, dealers—Bonds.**

(1) Before the license is issued to any commission merchant or dealer, or both, the applicant shall execute and

deliver to the director a surety bond executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. Said bond shall be to the state for the benefit of qualified consignors of agricultural products in this state. All such sureties on a bond, as provided herein, shall be released and discharged from all liability to the state accruing on such bond by giving notice to the principal and the director by certified mail. Upon receipt of such notice the director shall notify the surety and the principal of the effective date of termination which shall be thirty days from the receipt of such notice by the director, but this shall not relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration period provided for above.

(2) The bond for a commission merchant or dealer in hay, straw or turf, forage or vegetable seed shall be not less than fifteen thousand dollars. The actual amount of such bond shall be determined by dividing the annual dollar volume of the licensee's net proceeds or net payments due consignors by twelve and increasing that amount to the next multiple of five thousand dollars, except that the bond amount for dollar volume arising from proprietary seed bailment contracts shall be computed as provided in subsection (4) of this section. Such bond for a new commission merchant or dealer in hay, straw or turf, forage or vegetable seed shall be subject to increase at any time during the licensee's first year of operation based on the average of business volume for any three months. Except as provided in subsection (3) of this section, the bond shall be not less than three thousand dollars for any other dealer.

(3) The bond for a commission merchant or dealer in livestock shall be not less than ten thousand dollars. The actual amount of such bond shall be determined in accordance with the formula set forth in the packers and stockyard act of 1921 (7 U.S.C. 181), except that a commission merchant or dealer in livestock shall increase his bond by five thousand dollars for each agent he has endorsed under RCW 20.01.090.

(4) The bond for a commission merchant handling agricultural products other than livestock, hay, straw or turf, forage or vegetable seed shall not be less than seven thousand five hundred dollars. The bond for a dealer handling agricultural products other than livestock, hay, straw or turf, forage or vegetable seed shall not be less than three thousand dollars. The actual amount of such bond shall be determined by dividing the annual dollar volume of the licensee's net proceeds or net payments due consignors by fifty-two and increasing that amount to the next multiple of two thousand dollars. However, bonds above twenty-six thousand dollars shall be increased to the next multiple of five thousand dollars.

(5) When the annual dollar volume of any commission merchant or dealer reaches two million six hundred thousand dollars, the amount of the bond required above this level shall be on a basis of ten percent of the amount arrived at by applying the appropriate formula. [1986 c 178 § 9; 1983 c 305 § 4; 1982 c 194 § 3; 1977 ex.s. c 304 § 6; 1974 ex.s. c 102 § 5; 1971 ex.s. c 182 § 8; 1963 c 232 § 5. Prior: 1959 c 139 § 21.]

**Severability—1983 c 305:** See note following RCW 20.01.010.  
*Cash or other security in lieu of surety bond:* RCW 20.01.570.

**20.01.220 Action on bond for fraud.** Any consignor of an agricultural product claiming to be injured by the fraud of any commission merchant and/or dealer or their agents may bring action upon said bond against principal, surety, and agent in any court of competent jurisdiction to recover the damages caused by such fraud. Any consignor undertaking such an action shall name the director as a party. [1986 c 178 § 10; 1982 c 194 § 4; 1959 c 139 § 22.]

**20.01.230 Action on bond for failure to comply with chapter.** The director or any consignor of an agricultural product may also bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by any failure to comply with the provisions of this chapter or the rules adopted hereunder. Any consignor undertaking such an action shall name the director as a party. [1986 c 178 § 11; 1959 c 139 § 23.]

**20.01.240 Claims against commission merchant, dealer.** (1) Except as provided in subsection (2) of this section, any consignor who believes he or she has a valid claim against the bond of a commission merchant or dealer shall file a claim with the director. Upon the filing of a claim under this subsection against any commission merchant or dealer handling any agricultural product, the director may, after investigation, proceed to ascertain the names and addresses of all consignor creditors of such commission merchant and dealer, together with the amounts due and owing to them by such commission merchant and dealer, and shall request all such consignor creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known consignor creditor at his last known address.

(2) Any consignor who believes he or she has a valid claim against the bond of a commission merchant or dealer in hay or straw, shall file a claim with the director within twenty days of the licensee's default. In the case of a claim against the bond of a commission merchant or unlimited dealer in hay or straw, default occurs when the licensee fails to make payment within thirty days of the date the licensee took possession of the hay or straw. In the case of a claim against a limited dealer in hay or straw, default occurs when the licensee fails to make payment upon taking possession of the hay or straw. Upon verifying the consignor's claim either through investigation or, if necessary, an administrative action, the director shall, within ten working days of the filing of the claim, make demand for payment of the claim by the licensee's surety without regard to any other potentially valid claim. Any subsequent claim will likewise result in a demand against the licensee's surety, subject to the availability of any remaining bond proceeds. [1986 c 178 § 12; 1959 c 139 § 24.]

**20.01.290 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**20.01.460 Prohibited acts—Penalties.** (1) Any person who violates the provisions of this chapter or fails to comply with the rules adopted under this chapter is guilty of a gross misdemeanor, except as provided in subsections (2) and (3) of this section.

(2) Any commission merchant, dealer, or cash buyer, or any person assuming or attempting to act as a commission merchant, dealer, or cash buyer without a license is guilty of a class C felony who:

(a) Imposes false charges for handling or services in connection with agricultural products.

(b) Makes fictitious sales or is guilty of collusion to defraud the consignor.

(c) Intentionally makes false statement or statements as to the grade, conditions, markings, quality, or quantity of goods shipped or packed in any manner.

(d) Fails to comply with the payment requirements set forth under RCW 20.01.010(10), 20.01.390 or 20.01.430.

(3) Any person who violates the provisions of RCW 20.01.040, 20.01.120, 20.01.125, 20.01.410 or 20.01.610 has committed a civil infraction. [1986 c 178 § 13; 1982 c 20 § 4; 1959 c 139 § 46.]

**20.01.482 Civil infractions—Notice—Promise to appear or respond—Misdemeanors.** The director shall have the authority to issue a notice of civil infraction if an infraction is committed in his or her presence or, if after investigation, the director has reasonable cause to believe an infraction has been committed. It shall be a misdemeanor for any person to refuse to properly identify himself or herself for the purpose of issuance of a notice of infraction or to refuse to sign the written promise to appear or respond to a notice of infraction. Any person wilfully violating a written and signed promise to respond to a notice of infraction shall be guilty of a misdemeanor regardless of the disposition of the notice of infraction. [1986 c 178 § 1.]

**20.01.484 Civil infractions—Response to notice.** (1) Any person who receives a notice of infraction shall respond to such notice as provided in this section within fifteen days of the date of the notice.

(2) Any employee or agent of a licensee under this chapter is fully authorized to accept a notice of infraction on behalf of the licensee. The director shall also furnish a copy of the notice of infraction to the licensee by certified mail within five days of issuance.

(3) If the person determined to have committed the infraction does not contest the determination, that person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response, which does not contest the determination, is received, an appropriate order shall be entered into the courts record and a record of the response shall be furnished to the director.

(4) If a person determined to have committed the infraction wishes to contest the determination, that person



shall respond by completing the portion of the notice of the infraction requesting a hearing and submitted either by mail or in person to the court specified in the notice. The court shall notify the person in writing of the time, place, and the date of the hearing which shall not be sooner than fifteen days from the date of the notice, except by agreement.

(5) If the person determined to have committed the infraction does not contest the determination, but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it either by mail or in person to the court specified in the notice. The court shall notify the person in writing of the time, place and date of the hearing.

(6) If a person issued a notice of infraction fails to respond to the notice of infraction or fails to appear at the hearing requested pursuant to this section, the court shall enter an appropriate order in assessing the monetary penalty prescribed in the schedule of penalties submitted to the court by the director and shall notify the director of the failure to respond to the notice of infraction or to appear at a requested hearing. [1986 c 178 § 2.]

**20.01.486 Civil infractions—Hearing to contest charge—Order—Appeal.** A hearing held for the purpose of contesting the determination that an infraction has been committed shall be held without jury. The court may consider the notice of infraction and any other written report submitted by the director. The person named in the notice may subpoena witnesses and has the right to present evidence and examine witnesses present in court. The burden of proof is upon the state to establish the commission of the infraction by preponderance of evidence.

After consideration of the evidence and argument, the court shall determine whether the infraction was committed. Where it is not established that the infraction was committed, an order dismissing the notice shall be entered in the court's record. When it is established that the infraction was committed, an appropriate order shall be entered in the court's record, a copy of which shall be furnished to the director. Appeal from the court's determination or order shall be to the superior court and must be appealed within ten days. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the rules of appellate procedure. [1986 c 178 § 3.]

**20.01.488 Civil infractions—Informal hearing on mitigating circumstances—Order—No appeal.** A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person named in the notice may not subpoena witnesses. The determination that the infraction has been committed may not be contested at a hearing held for the purpose of explaining circumstances. After the court

has heard the explanation of the circumstances surrounding the commission of the infraction, an appropriate order shall be entered in the court's record. A copy of the order shall be furnished to the director. There may be no appeal from the court's determination or order. [1986 c 178 § 4.]

**20.01.490 Civil infractions—Monetary penalty—Failure to pay, misdemeanor.** Any person found to have committed a civil infraction under this chapter shall be assessed a monetary penalty. No monetary penalty so assessed may exceed one thousand dollars. The director shall adopt a schedule of monetary penalties for each violation of this chapter classified as a civil infraction and shall submit the schedule to the proper courts. Whenever a monetary penalty is imposed by the court, the penalty is immediately due and payable. The court may, at its discretion, grant an extension of time, not to exceed thirty days, in which the penalty must be paid. Failure to pay any monetary penalties imposed under this chapter shall be punishable as a misdemeanor. [1986 c 178 § 5.]

**20.01.610 Authority to stop vehicle violating chapter—Failure to stop, civil infraction.** The director or his appointed officers may stop a vehicle transporting hay or straw upon the public roads of this state if there is reasonable cause to believe the carrier, seller, or buyer may be in violation of this chapter. Any operator of a vehicle failing or refusing to stop when directed to do so has committed a civil infraction. [1986 c 178 § 14; 1983 c 305 § 8.]

**Severability—1983 c 305:** See note following RCW 20.01.010.

## Title 21

### SECURITIES AND INVESTMENTS

#### Chapters

- 21.20** Securities act of Washington.
- 21.30** Commodity transactions.

#### Chapter 21.20

### SECURITIES ACT OF WASHINGTON

#### Sections

- 21.20.110 Denial, suspension, revocation of registration—  
Grounds.
- 21.20.320 Exempt transactions.
- 21.20.340 Fees—Disposition.
- 21.20.430 Civil liabilities—Survival, limitation of actions—  
Waiver of chapter void—Scienter.

**21.20.110 Denial, suspension, revocation of registration—Grounds.** The director may by order deny, suspend, or revoke registration of any broker-dealer, salesperson, investment adviser salesperson, or investment adviser if the director finds that the order is in the public interest and that the applicant or registrant or, in

the case of a broker-dealer or investment adviser, any partner, officer, or director:

(1) Has filed an application for registration under this section which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false, or misleading with respect to any material fact;

(2) Has wilfully violated or wilfully failed to comply with any provision of this chapter or a predecessor act or any rule or order under this chapter or a predecessor act, or any provision of chapter 21.30 RCW or any rule or order thereunder;

(3) Has been convicted, within the past five years, of any misdemeanor involving a security, or a commodity contract or commodity option as defined in RCW 21.30.010, or any aspect of the securities or investment commodities business, or any felony involving moral turpitude;

(4) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities or investment commodities business;

(5) Is the subject of an order of the director denying, suspending, or revoking registration as a broker-dealer, salesperson, investment adviser, or investment adviser salesperson;

(6) Is the subject of an order entered within the past five years by the securities administrator of any other state or by the federal securities and exchange commission denying or revoking registration as a broker-dealer or salesperson, or a commodity broker-dealer or sales representative, or the substantial equivalent of those terms as defined in this chapter or by the commodity futures trading commission denying or revoking registration as a commodity merchant as defined in RCW 21.30.010, or is the subject of an order of suspension or expulsion from membership in or association with a self-regulatory organization registered under the securities exchange act of 1934 or the federal commodity exchange act, or is the subject of a United States post office fraud order; but (a) the director may not institute a revocation or suspension proceeding under this clause more than one year from the date of the order relied on, and (b) the director may not enter any order under this clause on the basis of an order unless that order was based on facts which would currently constitute a ground for an order under this section;

(7) Has engaged in dishonest or unethical practices in the securities or investment commodities business;

(8) Is insolvent, either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature; but the director may not enter an order against a broker-dealer or investment adviser under this clause without a finding of insolvency as to the broker-dealer or investment adviser;

(9) Has not complied with a condition imposed by the director under RCW 21.20.100, or is not qualified on

the basis of such factors as training, experience, or knowledge of the securities business; or

(10) Has failed to supervise reasonably his or her salespersons if he or she is a broker-dealer or his or her investment adviser salesperson if he or she is an investment adviser.

The director may by order summarily postpone or suspend registration pending final determination of any proceeding under this section. [1986 c 14 § 45; 1979 ex.s. c 68 § 7; 1975 1st ex.s. c 84 § 7; 1965 c 17 § 2; 1959 c 282 § 11.]

**Severability—Effective date—1986 c 14:** See RCW 21.30.900 and 21.30.901.

**21.20.320 Exempt transactions.** The following transactions are exempt from RCW 21.20.040 through 21.20.300 except as expressly provided:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not; or any transaction effected in accordance with any rule by the director establishing a nonpublic offering exemption pursuant to this subsection where registration is not necessary or appropriate in the public interest or for the protection of investors.

(2) Any nonissuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company

as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to an offering not exceeding five hundred thousand dollars effected in accordance with any rule by the director if the director finds that registration is not necessary in the public interest and for the protection of investors.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation, or sale of assets.

(15) The offer or sale by a registered broker-dealer, or a person exempted from the registration requirements pursuant to RCW 21.20.040, acting either as principal or agent, of securities previously sold and distributed to the public: *Provided, That:*

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics;

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such

securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

(16) Any transactions by a mutual or cooperative association issuing to its patrons any receipt, written notice, certificate of indebtedness, or stock for a patronage dividend, or for contributions to capital by such patrons in the association if any such receipt, written notice, or certificate made pursuant to this paragraph is nontransferable except in the case of death or by operation of law and so states conspicuously on its face.

(17) Any transaction effected in accordance with any rule adopted by the director establishing a limited offering exemption which furthers objectives of compatibility with federal exemptions and uniformity among the states, provided that in adopting any such rule the director may require that no commission or other remuneration be paid or given to any person, directly or indirectly, for effecting sales unless the person is registered under this chapter as a broker-dealer or salesperson. [1986 c 90 § 1; 1981 c 272 § 6; 1979 ex.s. c 68 § 21; 1977 ex.s. c 172 § 2; 1975 1st ex.s. c 84 § 17; 1974 ex.s. c 77 § 6; 1972 ex.s. c 79 § 1; 1961 c 37 § 8; 1959 c 282 § 32.]

**Effective date—1986 c 90:** "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, 1986." [1986 c 90 § 3.]

**Effective date—1974 ex.s. c 77:** See note following RCW 21.20.040.

**21.20.340 Fees—Disposition.** The following fees shall be paid in advance under the provisions of this chapter:

(1) For registration of all securities other than investment trusts and securities registered by coordination the fee shall be one hundred dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars which are to be offered during that year: *Provided, however,* That an issuer may upon the payment of a fifty dollar fee renew for one additional twelve-month period only the unsold portion for which the registration fee has been paid.

(2) For registration of securities issued by a face-amount certificate company or redeemable security issued by an open-end management company or investment trust, as those terms are defined in the Investment Company Act of 1940, the fee shall be one hundred dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars which are to be offered in this state during that year: *Provided, however,* That an issuer may upon the payment of a fifty dollar fee renew for an additional twelve-month period the

unsold portion for which the registration fee has been paid.

(3) For registration by coordination, other than investment trusts, the initial filing fee shall be one hundred dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-fortieth of one percent for any excess over one hundred thousand dollars for the first twelve-month period plus one hundred dollars for each additional twelve months in which the same offering is continued.

(4) For filing annual financial statements, the fee shall be twenty-five dollars.

(5) For filing an amended offering circular after the initial registration permit has been granted the fee shall be ten dollars.

(6) For registration of a broker-dealer or investment adviser, the fee shall be one hundred fifty dollars for original registration and seventy-five dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(7) For registration of a salesperson or investment adviser salesperson, the fee shall be thirty-five dollars for original registration with each employer and fifteen dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(8) For written examination for registration as a salesperson or investment adviser salesperson, the fee shall be fifteen dollars. For examinations for registration as a broker-dealer or investment adviser, the fee shall be fifty dollars.

(9) If a registration of a broker-dealer, salesperson, investment adviser, or investment adviser salesperson is not renewed on or before December 31st of each year the renewal is delinquent. The director by rule or order may set and assess a fee for delinquency not to exceed two hundred dollars. Acceptance by the director of an application for renewal after December 31st is not a waiver of delinquency. A delinquent application for renewal will not be accepted for filing after March 1st.

(10) (a) For the transfer of a broker-dealer license to a successor, the fee shall be fifty dollars.

(b) For the transfer of a salesperson license from a broker-dealer or issuer to another broker-dealer or issuer, the transfer fee shall be twenty-five dollars.

(c) For the transfer of an investment adviser salesperson license from an investment adviser to another investment adviser, the transfer fee shall be twenty-five dollars.

(d) For the transfer of an investment adviser license to a successor, the fee shall be fifty dollars.

(11) The director may provide by rule for the filing of notice of claim of exemption under RCW 21.20.320 (1), (9), and (17) and set fees accordingly not to exceed three hundred dollars.

(12) For filing of notification of claim of exemption from registration pursuant to RCW 21.20.310(11), as now or hereafter amended, the fee shall be fifty dollars for each filing.

(13) For rendering interpretative opinions, the fee shall be thirty-five dollars.

(14) For certified copies of any documents filed with the director, the fee shall be the cost to the department.

(15) For a duplicate license the fee shall be five dollars.

All fees collected under this chapter shall be turned in to the state treasury and are not refundable, except as herein provided. [1986 c 90 § 2; 1981 c 272 § 7; 1979 ex.s. c 68 § 24. Prior: 1977 ex.s. c 188 § 4; 1977 ex.s. c 172 § 3; 1975 1st ex.s. c 84 § 20; 1974 ex.s. c 77 § 8; 1965 c 17 § 4; 1961 c 37 § 9; 1959 c 282 § 34.]

**Effective date—1986 c 90:** See note following RCW 21.20.320.

**Effective date—1974 ex.s. c 77:** See note following RCW 21.20.040.

**Effective date—1965 c 17:** "Section 4 of this amendatory act shall take effect July 1, 1965." [1965 c 17 § 6.]

**21.20.430 Civil liabilities—Survival, limitation of actions—Waiver of chapter void—Scienter.** (1) Any person, who offers or sells a security in violation of any provisions of RCW 21.20.010 or 21.20.140 through 21.20.230, is liable to the person buying the security from him or her, who may sue either at law or in equity to recover the consideration paid for the security, together with interest at eight percent per annum from the date of payment, costs, and reasonable attorneys' fees, less the amount of any income received on the security, upon the tender of the security, or for damages if he or she no longer owns the security. Damages are the amount that would be recoverable upon a tender less (a) the value of the security when the buyer disposed of it and (b) interest at eight percent per annum from the date of disposition.

(2) Any person who buys a security in violation of the provisions of RCW 21.20.010 is liable to the person selling the security to him or her, who may sue either at law or in equity to recover the security, together with any income received on the security, upon tender of the consideration received, costs, and reasonable attorneys' fees, or if the security cannot be recovered, for damages. Damages are the value of the security when the buyer disposed of it, and any income received on the security, less the consideration received for the security, plus interest at eight percent per annum from the date of disposition, costs, and reasonable attorneys' fees.

(3) Every person who directly or indirectly controls a seller or buyer liable under subsection (1) or (2) above, every partner, officer, director or person who occupies a similar status or performs a similar function of such seller or buyer, every employee of such a seller or buyer who materially aids in the transaction, and every broker-dealer, salesperson, or person exempt under the provisions of RCW 21.20.040 who materially aids in the transaction is also liable jointly and severally with and to the same extent as the seller or buyer, unless such person sustains the burden of proof that he or she did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. There is contribution as in cases of contract among the several persons so liable.

(4) (a) Every cause of action under this statute survives the death of any person who might have been a plaintiff or defendant.

(b) No person may sue under this section more than three years after the contract of sale for any violation of the provisions of RCW 21.20.140 through 21.20.230, or more than three years after a violation of the provisions of RCW 21.20.010, either was discovered by such person or would have been discovered by him or her in the exercise of reasonable care. No person may sue under this section if the buyer or seller receives a written rescission offer, which has been passed upon by the director before suit and at a time when he or she owned the security, to refund the consideration paid together with interest at eight percent per annum from the date of payment, less the amount of any income received on the security in the case of a buyer, or plus the amount of income received on the security in the case of a seller.

(5) No person who has made or engaged in the performance of any contract in violation of any provision of this chapter or any rule or order hereunder, or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation, may base any suit on the contract. Any condition, stipulation, or provision binding any person acquiring any security to waive compliance with any provision of this chapter or any rule or order hereunder is void.

(6) Any tender specified in this section may be made at any time before entry of judgment.

(7) Notwithstanding subsections (1) through (6) of this section, if an initial offer or sale of securities that are exempt from registration under RCW 21.20.310 is made by this state or its agencies, political subdivisions, municipal or quasi-municipal corporations, or other instrumentality of one or more of the foregoing and is in violation of RCW 21.20.010(2), and any such issuer, member of the governing body, committee member, public officer, director, employee, or agent of such issuer acting on its behalf, or person in control of such issuer, member of the governing body, committee member, public officer, director, employee, or agent of such person acting on its behalf, materially aids in the offer or sale, such person is liable to the purchaser of the security only if the purchaser establishes scienter on the part of the defendant. The word "employee" or the word "agent," as such words are used in this subsection, do not include a bond counsel or an underwriter. Under no circumstances whatsoever shall this subsection be applied to require purchasers to establish scienter on the part of bond counsels or underwriters. The provisions of this subsection are retroactive and apply to any action commenced but not final before July 27, 1985. In addition, the provisions of this subsection apply to any action commenced on or after July 27, 1985. [1986 c 304 § 1; 1985 c 171 § 1; 1981 c 272 § 9; 1979 ex.s. c 68 § 30; 1977 ex.s. c 172 § 4; 1975 1st ex.s. c 84 § 24; 1974 ex.s. c 77 § 11; 1967 c 199 § 2; 1959 c 282 § 43.]

**Severability—1986 c 304:** "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." [1986 c 304 § 2.]

**Effective date—1974 ex.s. c 77:** See note following RCW 21.20.040.

## Chapter 21.30

### COMMODITY TRANSACTIONS

Sections	
21.30.010	Definitions.
21.30.020	Transactions involving commodity contract or option—Prohibition—Exceptions.
21.30.030	Transactions conducted by certain persons exempt from prohibition under RCW 21.30.020.
21.30.040	Transactions and contracts exempt from prohibition under RCW 21.30.020—Rules.
21.30.050	Commodity merchants—Place for trading commodity contract or option—Requirements.
21.30.060	Prohibited practices.
21.30.070	Responsibility for acts or omissions—Liability—Burden of proof.
21.30.080	Offers to sell or buy in this state—Application of RCW 21.30.020, 21.30.050, and 21.30.060.
21.30.090	When publications or electronic communications not deemed offers to sell or buy in this state.
21.30.100	Investigations—Statements—Publication of information.
21.30.110	Investigations—Evidence—Subpoenas—Court orders of compliance.
21.30.120	Violations—Director's authority—Court actions—Penalties.
21.30.130	Violations—Court-ordered remedies—Penalties—Bond by director not required.
21.30.140	Wilful violations—Penalty—Limitation on actions.
21.30.150	No liability under chapter for act in good faith.
21.30.160	Unlawful use or disclosure of information.
21.30.170	Information—Availability to public—Exceptions.
21.30.180	Cooperation with other agencies or organizations.
21.30.190	Consent for service of process—Service, how made.
21.30.200	Administrative proceedings—Summary order—Notice—Hearing—Final order.
21.30.210	Application of chapter 34.04 RCW, the administrative procedure act.
21.30.220	Pleading exemptions or exceptions—Burden of proof.
21.30.230	Application for licensing.
21.30.240	Fees.
21.30.250	Examinations—Waiver.
21.30.260	Expiration of licenses—Authority under commodity sales representative license—Notification of changes.
21.30.270	Multiple licenses, when permitted.
21.30.280	Classification of licenses—Limitations and conditions of licenses.
21.30.290	Annual report and fee.
21.30.300	Minimum net capital and fidelity bond requirements.
21.30.310	Financial and other reports.
21.30.320	Records.
21.30.330	Correcting amendments of information in application or financial and other reports—Exception.
21.30.340	Examination of records—Copies—Fees.
21.30.350	Denial, suspension, revocation, or limitation of license—Grounds.
21.30.360	Violations—Prosecuting attorney may bring criminal proceedings.
21.30.370	Penalties in chapter nonexclusive.
21.30.380	Administration of chapter under director of licensing.
21.30.390	Administrator—Appointment—Delegation of duties—Term.
21.30.400	Director's powers and duties—Rules, forms, and orders—Fees.
21.30.800	Securities laws not affected.
21.30.810	Construction and purpose.
21.30.900	Severability—1986 c 14.
21.30.901	Effective date—1986 c 14.

*Agricultural commodities: Chapter 22.09 RCW.*

**21.30.010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrator" means the person designated by the director in accordance with the provisions of RCW 21.20.460.

(2) "Board of trade" means any person or group of persons engaged in buying or selling any commodity or receiving any commodity for sale on consignment, whether such person or group of persons is characterized as a board of trade, exchange, or other form of marketplace.

(3) "Director" means the director of the department of licensing.

(4) "Commodity broker-dealer" means, for the purposes of registration in accordance with this chapter, any person engaged in the business of making offers, sales, or purchases of commodities under commodity contracts or under commodity options.

(5) "Commodity sales representative" means, for the purposes of registration in accordance with this chapter, any person employed by or representing a commodity broker-dealer or issuer in making an offer, sale, or purchase of any commodity under any commodity contract or under commodity option.

(6) "Commodity exchange act" means the act of congress known as the commodity exchange act, as amended, codified at 7 U.S.C. Sec. 1 et seq.

(7) "Commodity futures trading commission" means the independent regulatory agency established by congress to administer the commodity exchange act.

(8) "CFTC rule" means any rule, regulation, or order of the commodity futures trading commission in effect on October 1, 1986, and all subsequent amendments, additions, or other revisions thereto, unless the administrator, within ten days following the effective date of any such amendment, addition, or revision, disallows the application thereof by rule or order.

(9) "Commodity" means, except as otherwise specified by the director by rule or order, any agricultural, grain, or livestock product or by-product, any metal or mineral (including a precious metal set forth in subsection (17) of this section), any gem or gemstone (whether characterized as precious, semiprecious, or otherwise), any fuel (whether liquid, gaseous, or otherwise), any foreign currency, and all other goods, articles, products, or items of any kind. However, the term commodity does not include (a) a numismatic coin whose fair market value is at least fifteen percent higher than the value of the metal it contains, (b) real property or any timber, agricultural, or livestock product grown or raised on real property and offered or sold by the owner or lessee of such real property, or (c) any work of art offered or sold by art dealers, at public auction, or offered or sold through a private sale by the owner thereof.

(10) "Commodity contract" means any account, agreement, or contract for the purchase or sale, primarily for speculation or investment purposes and not for

use or consumption by the offeree or purchaser, of one or more commodities, whether for immediate or subsequent delivery or whether delivery is intended by the parties, and whether characterized as a cash contract, deferred shipment or deferred delivery contract, forward contract, futures contract, installment or margin contract, leverage contract, or otherwise. Any commodity contract offered or sold shall, in the absence of evidence to the contrary, be presumed to be offered or sold for speculation or investment purposes. A commodity contract shall not include any contract or agreement which requires, and under which the purchaser receives, within twenty-eight calendar days from the payment in good funds of any portion of the purchase price, physical delivery of the total amount of each commodity to be purchased under the contract or agreement.

(11) "Commodity option" means any account, agreement, or contract giving a party thereto the right to purchase or sell one or more commodities and/or one or more commodity contracts, whether characterized as an option, privilege, indemnity, bid, offer, put, call, advance guaranty, decline guaranty or otherwise, but does not include a commodity option traded on a national securities exchange registered with the United States securities and exchange commission.

(12) "Commodity merchant" means any of the following, as defined or described in the commodity exchange act or by CFTC rule:

- (a) Futures commission merchant;
- (b) Commodity pool operator;
- (c) Commodity trading advisor;
- (d) Introducing broker;
- (e) Leverage transaction merchant;
- (f) An associated person of any of the foregoing;
- (g) Floor broker; and
- (h) Any other person (other than a futures association) required to register with the commodity futures trading commission.

(13) "Financial institution" means a bank, savings institution, or trust company organized under, or supervised pursuant to, the laws of the United States or of any state.

(14) "Offer" or "offer to sell" includes every offer, every attempt to offer to dispose of, or solicitation of an offer to buy, to purchase, or to acquire, for value.

(15) "Sale" or "sell" includes every sale, contract of sale, contract to sell, or disposition, for value.

(16) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interests of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government, but does not include a contract market designated by the commodity futures trading commission or any clearinghouse thereof or a national securities exchange registered with the United States securities and exchange commission (or any employee, officer, or director of such contract market, clearinghouse, or exchange acting solely in that capacity).

(17) "Precious metal" means:

- (a) Silver, in either coin, bullion, or other form;

- (b) Gold, in either coin, bullion, or other form;
  - (c) Platinum, in either coin, bullion, or other form;
- and
- (d) Such other items as the director may specify by rule or order. [1986 c 14 § 1.]

**21.30.020 Transactions involving commodity contract or option—Prohibition—Exceptions.** Except as otherwise provided in RCW 21.30.030 and 21.30.040, no person may sell or purchase or offer to sell or purchase any commodity under any commodity contract or under any commodity option or offer to enter into or enter into as seller or purchaser any commodity contract or any commodity option. [1986 c 14 § 2.]

**21.30.030 Transactions conducted by certain persons exempt from prohibition under RCW 21.30.020.** The prohibition in RCW 21.30.020 does not apply to any transaction offered by and in which any of the following persons (or any employee, officer, or director thereof acting solely in that capacity) is the purchaser or seller:

- (1) A person registered with the commodity futures trading commission as a futures commission merchant or as a leverage transaction merchant but only as to those activities that require such registration;
- (2) A person affiliated with, and whose obligations and liabilities are guaranteed by, a person referred to in subsection (1) or (5) of this section;
- (3) A person who is a member of a contract market designated by the commodity futures trading commission (or any clearinghouse thereof);
- (4) A financial institution;
- (5) A person registered under chapter 21.20 RCW as a securities broker–dealer holding a general securities license whose activities require such registration; or
- (6) A person registered as a commodity broker–dealer or commodity sales representative in accordance with this chapter.

"Registered," for the purposes of this section, means holding a registration that has not expired, been suspended, or been revoked. The exemptions under this section shall not apply to any transaction or activity which is prohibited by the commodity exchange act or CFTC rule. [1986 c 14 § 3.]

**21.30.040 Transactions and contracts exempt from prohibition under RCW 21.30.020—Rules.** (1) The prohibition in RCW 21.30.020 does not apply to the following:

- (a) An account, agreement, or transaction within the exclusive jurisdiction of the commodity futures trading commission as granted under the commodity exchange act;
- (b) A commodity contract for the purchase of one or more precious metals which requires, and under which the purchaser receives, within seven calendar days from the payment in good funds of any portion of the purchase price, physical delivery of the quantity of the precious metals purchased by such payment. However, for purposes of this paragraph, physical delivery is deemed to have occurred if, within such seven–day period, the

quantity of precious metals purchased by the payment is delivered (whether in specifically segregated or fungible bulk form) into the possession of a depository (other than the seller) which is either (i) a financial institution, (ii) a depository the warehouse receipts of which are recognized for delivery purposes for any commodity on a contract market designated by the commodity futures trading commission, (iii) a storage facility licensed or regulated by the United States or any agency thereof, or (iv) a depository designated by the director, and the depository (or other person which itself qualifies as a depository as aforesaid) issues and the purchaser receives, a certificate, document of title, confirmation, or other instrument evidencing that the quantity of precious metals has been delivered to the depository and is being and will continue to be held by the depository on the purchaser's behalf, free and clear of all liens and encumbrances, other than liens of the purchaser, tax liens, liens agreed to by the purchaser, or liens of the depository for fees and expenses, which have previously been disclosed to the purchaser;

- (c) A commodity contract solely between persons engaged in producing, processing, using commercially, or handling as merchants each commodity subject thereto, or any by–products thereof; or

- (d) A commodity contract under which the offeree or the purchaser is a person referred to in RCW 21.30.030, a person registered with the federal securities and exchange commission as a broker–dealer, an insurance company, an investment company as defined in the federal investment company act of 1940, or an employee pension and profit sharing or benefit plan (other than a self–employed individual retirement plan, or individual retirement account).

(2) The director may issue rules or orders prescribing the terms and conditions of all transactions and contracts covered by this chapter which are not within the exclusive jurisdiction of the commodity futures trading commission as granted by the commodity exchange act, exempting any person or transaction from any provision of this chapter conditionally or unconditionally and otherwise implementing this chapter for the protection of purchasers and sellers of commodities. [1986 c 14 § 4.]

**21.30.050 Commodity merchants—Place for trading commodity contract or option—Requirements.** (1) No person may engage in a trade or business or otherwise act as a commodity merchant unless the person (a) is registered or temporarily licensed with the commodity futures trading commission for each activity constituting the person as a commodity merchant and the registration or temporary license has not expired, been suspended, or been revoked; or (b) is exempt from such registration by virtue of the commodity exchange act or a CFTC rule.

(2) No board of trade may trade, or provide a place for the trading of, any commodity contract or commodity option required to be traded on or subject to the rules of a contract market designated by the commodity futures trading commission unless the board of trade has

been so designated for the commodity contract or commodity option and the designation has not been vacated, suspended, or revoked. [1986 c 14 § 5.]

**21.30.060 Prohibited practices.** No person may directly or indirectly, in or in connection with the purchase or sale of, the offer to sell, the offer to enter into, or the entry into of, any commodity contract or commodity option subject to RCW 21.30.020, 21.30.030, 21.30.040(1)(b), or 21.30.040(1)(d):

(1) Cheat or defraud, or attempt to cheat or defraud, any other person or employ any device, scheme, or artifice to defraud any other person;

(2) Make any false report, enter any false record, or make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading;

(3) Engage in any transaction, act, practice, or course of business, including, without limitation, any form of advertising or solicitation, that operates or would operate as a fraud or deceit upon any person; or

(4) Misappropriate or convert the funds, security, or property of any other person. [1986 c 14 § 6.]

**21.30.070 Responsibility for acts or omissions—Liability—Burden of proof.** (1) The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust within the scope of the person's employment or office shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust, as well as of such official, agent, or other person.

(2) Every person who directly or indirectly controls another person liable under any provision of this chapter, every partner, officer, or director of such other person, every person occupying a similar status or performing similar functions, every employee of such other person who materially aids in the violation is also liable jointly and severally with and to the same extent as such other person, unless the person who is also liable by virtue of this provision sustains the burden of proof that he or she did not know, and in exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. [1986 c 14 § 7.]

**21.30.080 Offers to sell or buy in this state—Application of RCW 21.30.020, 21.30.050, and 21.30.060.**

(1) RCW 21.30.020, 21.30.050, and 21.30.060 apply to persons who sell or offer to sell when an offer to sell is made in this state or an offer to buy is made and accepted in this state.

(2) RCW 21.30.020, 21.30.050, and 21.30.060 apply to persons who buy or offer to buy when an offer to buy is made in this state or an offer to sell is made and accepted in this state.

(3) For the purpose of this section, an offer to sell or to buy is made in this state, whether or not either party is then present in this state, when the offer originates from this state or is directed by the offeror to this state

and received at the place to which it is directed, or at any post office in this state in the case of a mailed offer.

(4) For the purpose of this section, an offer to buy or to sell is accepted in this state when acceptance is communicated to the offeror in this state and has not previously been communicated to the offeror, orally or in writing, outside this state, or whether or not either party is then present in this state, when the offeree directs it to the offeror in this state reasonably believing the offeror to be in this state and it is received at the place to which it is directed, or at any post office in this state in the case of a mailed acceptance. [1986 c 14 § 8.]

**21.30.090 When publications or electronic communications not deemed offers to sell or buy in this state.** (1)

For the purpose of RCW 21.30.080, an offer to sell or to buy is not made in this state when the publisher circulates or there is circulated on his behalf in this state in any bona fide newspaper or other publication of general, regular, and paid circulation, which is not published in this state, an offer to sell or to buy that is reasonably calculated to solicit only persons outside this state and not to solicit persons in this state.

(2) For the purpose of RCW 21.30.080, an offer to sell or to buy is not made in this state when a radio or television program or other electronic communication originating outside this state is received in this state and the offer to sell or to buy is reasonably calculated to solicit only persons outside this state and not to solicit persons in this state. [1986 c 14 § 9.]

**21.30.100 Investigations—Statements—Publication of information.** The director in the director's discretion:

(1) May make such public or private investigations, within or without the state, as the director finds necessary or appropriate to determine whether any person has violated, or is about to violate, any provision of this chapter or any rule or order of the director or to aid in enforcement of this chapter;

(2) May require or permit any person to file a statement in writing, under oath or otherwise as the director may determine; and

(3) May publish information concerning any violation of this chapter or any rule or order under this chapter. [1986 c 14 § 10.]

**21.30.110 Investigations—Evidence—Subpoenas—Court orders of compliance.** (1) For purposes of any investigation or proceeding under this chapter, the director or any officer or employee designated by the director, 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 finds to be relevant or material to the inquiry.

(2) If a person does not give testimony or produce the documents required by the director or a designated employee pursuant to a lawfully issued administrative subpoena, the director or designated employee may apply



for a court order compelling compliance with the subpoena or the giving of the required testimony. The request for an order of compliance may be addressed to either: (a) The superior court of Thurston county or the superior court where service may be obtained on the person refusing to testify or produce, if the person is within this state; or (b) the appropriate court of the state having jurisdiction over the person refusing to testify or produce, if the person is outside the state. [1986 c 14 § 11.]

**21.30.120 Violations—Director's authority—Court actions—Penalties.** (1) If the director believes, whether or not based upon an investigation conducted under RCW 21.30.100 or 21.30.110, that a person has engaged or is about to engage in an act or practice constituting a violation of this chapter or any rule or order hereunder, the director may:

- (a) Issue a cease and desist order;
- (b) Initiate any of the actions specified in subsection (2) of this section;
- (c) Issue an order imposing a civil penalty in an amount which may not exceed ten thousand dollars for any single violation or one hundred thousand dollars for multiple violations in a single proceeding or a series of related proceedings; or

(d) Take disciplinary action against a licensed person as specified in RCW 21.30.350.

(2) The director may institute any of the following actions in the appropriate courts of the state, or in the appropriate courts of another state, in addition to any legal or equitable remedies otherwise available:

- (a) A declaratory judgment;
- (b) An action for a prohibitory or mandatory injunction to enjoin the violation and to ensure compliance with this chapter or any rule or order of the director;
- (c) An action for disgorgement; or
- (d) An action for appointment of a receiver or conservator for the defendant or the defendant's assets.

(3) In any action under subsection (2) of this section if the director prevails, the director shall be entitled to costs and to reasonable attorneys' fees to be fixed by the court. [1986 c 14 § 12.]

**21.30.130 Violations—Court-ordered remedies—Penalties—Bond by director not required.** (1) (a) Upon a proper showing by the director that a person has violated, or is about to violate, this chapter or any rule or order of the department, the superior court may grant appropriate legal or equitable remedies.

(b) Upon showing of violation of this chapter or a rule or order of the director or administrator, the court, in addition to legal and equitable remedies otherwise available, including temporary restraining orders, permanent or temporary prohibitory or mandatory injunctions, and writs of prohibition or mandamus, may grant the following special remedies:

(i) Imposition of a civil penalty in an amount which may not exceed ten thousand dollars for any single violation or one hundred thousand dollars for multiple violations in a single proceeding or a series of related proceedings;

(ii) Disgorgement;

(iii) Declaratory judgment;

(iv) Restitution to investors wishing restitution; and

(v) Appointment of a receiver or conservator for the defendant or the defendant's assets.

(c) Appropriate remedies when the defendant is shown only about to violate this chapter or a rule or order of the department shall be limited to:

(i) A temporary restraining order;

(ii) A temporary or permanent injunction; or

(iii) A writ of prohibition or mandamus.

(2) The court shall not require the director to post a bond in any official action under this chapter. [1986 c 14 § 13.]

**21.30.140 Wilful violations—Penalty—Limitation on actions.** A person who wilfully violates this chapter, or who wilfully violates a rule or order under this chapter, shall upon conviction be fined not more than twenty thousand dollars or imprisoned not more than ten years, or both. However, no person may be imprisoned for the violation of a rule or order if the person proves that he or she had no knowledge of the rule or order. No indictment or information may be returned under this chapter more than five years after the alleged violation. [1986 c 14 § 14.]

**21.30.150 No liability under chapter for act in good faith.** No provision of this chapter imposing any liability applies to any act done or omitted in good faith in conformity with a rule, order, or form adopted by the director, notwithstanding that the rule, order, or form may later be amended, or rescinded, or be determined by judicial or other authority to be invalid for any reason. [1986 c 14 § 15.]

**21.30.160 Unlawful use or disclosure of information.** Neither the director nor any employee of the director shall use any information which is filed with or obtained by the department which is not public information for personal gain or benefit, nor shall the director nor any employee of the director conduct any securities or commodity dealings whatsoever based upon any such information, even though public, if there has not been a sufficient period of time for the securities or commodity markets to assimilate the information. [1986 c 14 § 17.]

**21.30.170 Information—Availability to public—Exceptions.** (1) All information collected, assembled, or maintained by the director under this chapter is public information and is available for the examination of the public as provided by chapter 42.17 RCW except the following:

(a) Information obtained in private investigations pursuant to RCW 21.30.100 or 21.30.110;

(b) Information exempt from public disclosure under chapter 42.17 RCW; and

(c) Information obtained from federal or state agencies which may not be disclosed under federal or state law.

(2) The director in the director's discretion may disclose any information made confidential under subsection (1)(a) of this section to persons identified in RCW 21.30.180.

(3) No provision of this chapter either creates or derogates from any privilege which exists at common law, by statute, or otherwise when any documentary or other evidence is sought under subpoena directed to the director or any employee of the director. [1986 c 14 § 18.]

**21.30.180 Cooperation with other agencies or organizations.** (1) To encourage uniform application and interpretation of this chapter and securities and commodities regulation and enforcement in general, the director and the employees of the director may cooperate, including bearing the expense of the cooperation, with the securities agencies or administrators of another jurisdiction, Canadian provinces, or territories or such other agencies administering this chapter or similar statutes, the commodity futures trading commission, the federal securities and exchange commission, any self-regulatory organization established under the commodity exchange act or the securities exchange act of 1934, any national or international organization of commodities or securities officials or agencies, and any governmental law enforcement agency.

(2) The cooperation authorized by subsection (1) of this section shall include, but need not be limited to, the following:

- (a) Making joint examinations or investigations;
- (b) Holding joint administrative hearings;
- (c) Filing and prosecuting joint litigation;
- (d) Sharing and exchanging information and documents;

(e) Formulating and adopting mutual regulations, statements of policy, guidelines, proposed statutory changes and releases; and

(f) Issuing and enforcing subpoenas at the request of the agency administering similar statutes in another jurisdiction, the securities agency of another jurisdiction, the commodity futures trading commission or the federal securities and exchange commission if the information sought would also be subject to lawful subpoena for conduct occurring in this state. [1986 c 14 § 19.]

**21.30.190 Consent for service of process—Service, how made.** (1) Every applicant for registration under this chapter shall file with the administrator in such form as the administrator by rule prescribes, an irrevocable consent appointing the administrator or successor in office to be his or her attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against the applicant or successor executor or administrator which arises under this chapter or any rule or order hereunder after the consent has been filed, with

the same force and validity as if served personally on the person filing the consent. Service may be made by leaving a copy of the process in the office of the administrator, but it is not effective unless (a) the plaintiff, who may be the administrator in a suit, action, or proceeding instituted by the administrator, forthwith sends notice of the service and a copy of the process by registered mail to the defendant or respondent at the last address on file with the administrator, and (b) the plaintiff's affidavit of compliance with this subsection is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

(2) If a person, including a nonresident of this state, engages in conduct prohibited or made actionable by this chapter or any rule or order of the director, the engaging in the conduct shall constitute the appointment of the administrator as the person's attorney to receive service of any lawful process in a noncriminal proceeding against the person, a successor, or personal representative, which arises out of that conduct and which is brought under this chapter or any rule or order of the director with the same force and validity as if served personally. [1986 c 14 § 20.]

**21.30.200 Administrative proceedings—Summary order—Notice—Hearing—Final order.** (1) The director shall commence an administrative proceeding under this chapter by entering either a statement of charges or a summary order. The statement of charges or summary order may be entered without notice, without opportunity for hearing, and need not be supported by findings of fact or conclusions of law, but must be in writing.

(2) Upon entry of the statement of charges or summary order, the director shall promptly inform all interested parties that they have twenty business days from receipt of notice of the statement of charges or the summary order to file a written request for a hearing on the matter with the director and that the hearing will be scheduled to commence within thirty business days after receipt of the written request.

(3) If no hearing is requested within the twenty-day period and none is ordered by the director, the statement of charges or summary order will automatically become a final order.

(4) If a hearing is requested or ordered, the director, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination.

(5) No final order or order after hearing may be returned without:

- (a) Appropriate notice to all interested persons;
- (b) Opportunity for hearing by all interested persons; and
- (c) Entry of written findings of fact and conclusions of law.

(6) Every hearing in an administrative proceeding under this chapter shall be public unless the director grants a request joined in by all the respondents that the hearing be conducted privately. [1986 c 14 § 21.]

**21.30.210 Application of chapter 34.04 RCW, the administrative procedure act.** Chapter 34.04 RCW applies to an administrative proceeding carried out by the director under this chapter unless otherwise provided in this chapter. [1986 c 14 § 22.]

**21.30.220 Pleading exemptions or exceptions—Burden of proof.** It shall not be necessary to negate any of the exemptions, or exceptions from a definition, of this chapter in any complaint, information, or indictment, or any writ or proceeding brought under this chapter; and the burden of proof of any such exemption or exception from a definition shall be on the party claiming the same. [1986 c 14 § 23.]

**21.30.230 Application for licensing.** An applicant for licensing as a commodity broker-dealer or commodity sales representative shall file with the administrator or the designee of the administrator an application for licensing together with a consent to service of process pursuant to RCW 21.30.190. The application for licensing must contain the information that the administrator determines, by rule, is necessary or appropriate to facilitate the administration of this chapter. [1986 c 14 § 24.]

**21.30.240 Fees.** (1) An applicant for licensing shall pay a registration fee as follows:

(a) For a commodity broker-dealer, two hundred dollars; and for each branch office, one hundred dollars; and

(b) For a commodity sales representative, fifty dollars.

(2) Except in any year in which a licensing fee is paid, an applicant shall pay an annual fee as follows:

(a) For a commodity broker-dealer, one hundred dollars; and for each branch office in this state, fifty dollars; and

(b) For a commodity sales representative, thirty-five dollars.

(3) For purposes of this section, a branch office means each office of a commodity broker-dealer in this state, other than the principal office in this state of the commodity broker-dealer, from which three or more commodity sales representatives transact business.

(4) If an application is denied or withdrawn or the license is terminated by revocation, cancellation, or withdrawal, the administrator shall retain the fee paid. [1986 c 14 § 25.]

**21.30.250 Examinations—Waiver.** (1) The administrator may, by rule or order, impose an examination requirement upon:

(a) An applicant applying for licensing under this chapter; and

(b) Any class of applicants.

(2) Any examination required may be administered by the administrator or a designee of the administrator. Examinations may be oral, written, or both and may differ for each class of applicants.

(3) The administrator may, by order, waive any examination requirement imposed pursuant to subsection

(1) of this section as to any applicant if the administrator determines that the examination is not necessary in the public interest and for the protection of investors. [1986 c 14 § 26.]

**21.30.260 Expiration of licenses—Authority under commodity sales representative license—Notification of changes.** (1) The license of a commodity broker-dealer or commodity sales representative expires on December 31 of the year for which issued or at such other time as the administrator may by rule prescribe.

(2) The license of a commodity sales representative is only effective with respect to transactions effected as an employee or representative on behalf of the commodity broker-dealer or issuer for whom the commodity sales representative is licensed.

(3) When a commodity sales representative begins or terminates association with a commodity broker-dealer or issuer, or begins or terminates activities which make that person a commodity sales representative, the commodity sales representative and the former commodity broker-dealer or issuer on whose behalf the commodity sales representative was acting shall notify promptly the administrator or the administrator's designee. [1986 c 14 § 27.]

**21.30.270 Multiple licenses, when permitted.** No person may at any one time act as a commodity sales representative for more than one commodity broker-dealer or one issuer, except (1) where the commodity broker-dealers for whom the commodity sales representative will act are affiliated by direct or indirect common control, a commodity sales representative may represent each of those organizations or (2) where the administrator, by rule or order, authorizes multiple licenses as consistent with the public interest and protection of investors. [1986 c 14 § 28.]

**21.30.280 Classification of licenses—Limitations and conditions of licenses.** If the administrator determines, by rule, that one or more classifications of licenses as a commodity broker-dealer or commodity sales representative which are subject to limitations and conditions on the nature of the activities which may be conducted by those persons are consistent with the public interest and the protection of investors, the administrator may authorize the licensing of persons subject to specific limitations and conditions. [1986 c 14 § 29.]

**21.30.290 Annual report and fee.** For so long as a commodity broker-dealer or commodity sales representative is licensed under this chapter, it shall file an annual report, together with the annual fee specified in RCW 21.30.240(2), with the administrator or the administrator's designee at a time and including that information that the administrator determines, by rule or order, is necessary or appropriate. [1986 c 14 § 30.]

**21.30.300 Minimum net capital and fidelity bond requirements.** (1) (a) The administrator may, by rule, require a licensed commodity broker-dealer to maintain:

(i) Minimum net capital; and (ii) a prescribed ratio between net capital and aggregate indebtedness. The minimum net capital and net capital-to-aggregate indebtedness ratio may vary with type or class of commodity broker-dealer.

(b) If a licensed commodity broker-dealer believes, or has reasonable cause to believe, that any requirement imposed on it under this subsection is not being met, it shall promptly notify the administrator of its current financial condition.

(2) The administrator may, by rule, require the furnishing of fidelity bonds from commodity broker-dealers. [1986 c 14 § 31.]

**21.30.310 Financial and other reports.** A licensed commodity broker-dealer shall file financial and other reports that the administrator determines, by rule, are necessary or appropriate. [1986 c 14 § 32.]

**21.30.320 Records.** (1) A licensed commodity broker-dealer or commodity sales representative shall make and maintain records that the administrator determines, by rule, are necessary or appropriate.

(2) Required records may be maintained in computer or microform format or any other form of data storage provided that the records are readily accessible to the administrator.

(3) Required records must be preserved for five years unless the administrator, by rule, specifies either a longer or shorter period for a particular type or class of records. [1986 c 14 § 33.]

**21.30.330 Correcting amendments of information in application or financial and other reports—Exception.** If the information contained in any document filed with the administrator or the administrator's designee pursuant to RCW 21.30.230 or 21.30.310, except for those documents which the administrator, by rule or order, may exclude from this requirement, is or becomes inaccurate or incomplete in any material respect, the licensed person shall promptly file a correcting amendment, unless notification of the correction has been given under RCW 21.30.260(3). [1986 c 14 § 34.]

**21.30.340 Examination of records—Copies—Fees.** (1) The administrator, without prior notice, may examine the records and require copies of the records which a licensed commodity broker-dealer or commodity sales representative is required to make and maintain under RCW 21.30.320, within or without this state, in a manner reasonable under the circumstances. Commodity broker-dealers and commodity sales representatives must make their records available to the administrator in a readable form.

(2) The administrator may copy records or require a licensed person to copy records and provide the copies to the administrator in a manner reasonable under the circumstances.

(3) The administrator may impose reasonable fees for conducting an examination pursuant to this section. [1986 c 14 § 35.]

**21.30.350 Denial, suspension, revocation, or limitation of license—Grounds.** (1) The administrator may, by order, deny, suspend, or revoke any license, limit the activities which an applicant or licensed person may perform in this state, conserve any applicant or licensed person, or bar any applicant or licensed person from association with a licensed commodity broker-dealer, if the administrator finds that (a) the order is in the public interest and (b) that the applicant or licensed person or, in the case of a commodity broker-dealer any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the commodity broker-dealer:

(i) Has filed an application for licensing with the administrator or the designee of the administrator which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(ii) (A) Has violated or failed to comply with a provision of this chapter, a predecessor act, or a rule or order under this chapter or a predecessor act, (B) is the subject of an adjudication or determination within the last five years by a securities agency or administrator or court of competent jurisdiction that the person has willfully violated the federal securities act of 1933, the securities exchange act of 1934, the investment advisers act of 1940, the investment company act of 1940, or the commodity exchange act, or the securities law of any other state (but only if the acts constituting the violation of that state's law would constitute a violation of this chapter had the acts taken place in this state);

(iii) Has, within the last ten years, pled guilty or nolo contendere to, or been convicted of any crime indicating a lack of fitness to engage in the investment commodities business;

(iv) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in, or continuing, any conduct or practice indicating a lack of fitness to engage in the investment commodities business;

(v) Is the subject of an order of the administrator denying, suspending, or revoking the person's license as a commodity or securities broker-dealer, securities salesperson or commodity sales representative, or investment adviser or investment adviser salesperson;

(vi) Is the subject of any of the following orders which are currently effective and which were issued within the last five years:

(A) An order by a securities agency or administrator of another state, Canadian province or territory, or the federal securities and exchange commission, entered after notice and opportunity for hearing, denying, suspending, or revoking the person's license as a commodities or securities broker-dealer, sales representative, or investment adviser, or the substantial equivalent of those terms;

(B) A suspension or expulsion from membership in or association with a self-regulatory organization registered under the securities exchange act of 1934 or the commodity exchange act;

(C) A United States postal service fraud order;

(D) A cease and desist order entered after notice and opportunity for hearing by the administrator or the securities agency or administrator of any other state, Canadian province or territory, the securities and exchange commission, or the commodity futures trading commission;

(E) An order entered by the commodity futures trading commission denying, suspending, or revoking registration under the commodity exchange act;

(vii) Has engaged in any unethical or dishonest conduct or practice in the investment commodities or securities business;

(viii) Is insolvent, either in the sense that liabilities exceed assets, or in the sense that obligations cannot be met as they mature;

(ix) Is not qualified on the basis of such factors as training, experience, and knowledge of the investment commodities business;

(x) Has failed reasonably to supervise sales representatives or employees; or

(xi) Has failed to pay the proper filing fee within thirty days after being notified by the administrator of the deficiency. However, the administrator shall vacate any order under (xi) of this subsection when the deficiency has been corrected.

An order entered under this subsection shall be governed by subsection (2) of this section and RCW 21.30.200 and 21.30.210.

The administrator shall not institute a suspension or revocation proceeding on the basis of a fact or transaction disclosed in the license application unless the proceeding is instituted within the next ninety days following issuance of the license.

(2) If the public interest or the protection of investors so requires, the administrator may, by order, summarily suspend a license or postpone the effective date of a license. Upon the entry of the order, the administrator shall promptly notify the applicant or licensed person, as well as the commodity broker-dealer with whom the person is or will be associated if the applicant or licensed person is a commodity sales representative, that an order has been entered and of the reasons therefore and that within twenty days after the receipt of a written request the matter will be set down for hearing. The provisions of RCW 21.30.200 and 21.30.210 apply with respect to all subsequent proceedings.

(3) If the administrator finds that any applicant or licensed person is no longer in existence or has ceased to do business as a commodity broker-dealer or commodity sales representative or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the administrator may, by order, cancel the application or license. [1986 c 14 § 36.]

**21.30.360 Violations—Prosecuting attorney may bring criminal proceedings.** The director may refer such evidence as may be available concerning violations of this chapter or of any rule or order under this chapter to the proper prosecuting attorney, who may in his or her discretion, with or without such a reference, institute the appropriate criminal proceedings under this chapter. [1986 c 14 § 37.]

**21.30.370 Penalties in chapter nonexclusive.** Nothing in this chapter limits the power of the state to punish a person for conduct which constitutes a crime by statute or at common law. [1986 c 14 § 38.]

**21.30.380 Administration of chapter under director of licensing.** The administration of this chapter shall be under the director of the department of licensing. [1986 c 14 § 39.]

**21.30.390 Administrator—Appointment—Delegation of duties—Term.** The director shall appoint a competent person to administer this chapter, who shall be designated the administrator. The director shall delegate to the administrator such powers, subject to the authority of the director, as may be necessary to carry out this chapter. The administrator shall hold office at the pleasure of the director. [1986 c 14 § 16.]

**21.30.400 Director's powers and duties—Rules, forms, and orders—Fees.** In addition to specific authority granted elsewhere in this chapter, the director may make, amend, and rescind rules, forms, and orders as are necessary to carry out this chapter. Such rules or forms shall include but need not be limited to rules defining any terms, whether or not used in this chapter, insofar as the definitions are not inconsistent with this chapter. The director may classify commodities, commodity contracts, and commodity options, persons, and matters within the director's jurisdiction. No rule or form may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of the investors and consistent with the purposes intended by the policy and provisions of this chapter. The director may, by rule, establish a schedule of reasonable fees to carry out the purposes of this chapter, such fees to cover the estimated costs of enforcing this chapter. [1986 c 14 § 40.]

**21.30.800 Securities laws not affected.** Nothing in this chapter shall impair, derogate from, or otherwise affect the authority or powers of the administrator under the securities act of Washington, chapter 21.20 RCW, or the application of any provision thereof to any person or transaction subject thereto. [1986 c 14 § 41.]

**21.30.810 Construction and purpose.** This chapter may be construed and implemented to effectuate its general purpose to protect investors, to prevent and prosecute illegal and fraudulent schemes involving commodities and to maximize coordination with federal and other states' law and the administration and enforcement thereof. [1986 c 14 § 42.]

**21.30.900 Severability—1986 c 14.** 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. [1986 c 14 § 43.]

**21.30.901 Effective date—1986 c 14.** This act shall take effect on October 1, 1986. [1986 c 14 § 46.]

## Title 22

### WAREHOUSING AND DEPOSITS

#### Chapters

**22.09 Agricultural commodities.**

#### Chapter 22.09

### AGRICULTURAL COMMODITIES

#### Sections

22.09.050 Warehouse license fees, penalties.  
22.09.055 Grain dealer license fees, penalties.

*Commodity transactions: Chapter 21.30 RCW.*

**22.09.050 Warehouse license fees, penalties.** Any application for a license to operate a warehouse shall be accompanied by a license fee of four hundred dollars for a terminal warehouse, three hundred dollars for a subterminal warehouse, and one hundred dollars for a country warehouse. If a licensee operates more than one warehouse under one state license as provided for in RCW 22.09.030, the license fee shall be computed by multiplying the number of physically separated warehouses within the station by the applicable terminal, subterminal, or country warehouse license fee. If an application for renewal of a warehouse license or licenses is not received by the department prior to June 30th of any year, a penalty of fifty dollars for the first week and one hundred dollars for each week thereafter shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license may be issued. This penalty does not apply if the applicant furnishes an affidavit certifying that he has not acted as a warehouseman subsequent to the expiration of his prior license. [1986 c 203 § 13; 1983 c 305 § 22; 1979 ex.s. c 238 § 14; 1963 c 124 § 5.]

**Severability—1986 c 203:** See note following RCW 15.04.100.

**Severability—1983 c 305:** See note following RCW 20.01.010.

**22.09.055 Grain dealer license fees, penalties.** An application for a license to operate as a grain dealer shall be accompanied by a license fee of three hundred dollars unless the applicant is also a licensed warehouseman, in which case the fee for a grain dealer license shall be one hundred fifty dollars.

If an application for renewal of a grain dealer license is not received by the department before June 30th of any year, a penalty of fifty dollars for the first week and one hundred dollars for each week thereafter shall be

assessed and added to the original fee and shall be paid by the applicant before the renewal license may be issued. This penalty does not apply if the applicant furnishes an affidavit certifying that he has not acted as a grain dealer after the expiration of his prior license. [1986 c 203 § 14; 1983 c 305 § 23.]

**Severability—1986 c 203:** See note following RCW 15.04.100.

**Severability—1983 c 305:** See note following RCW 20.01.010.

## Title 23A

### WASHINGTON BUSINESS CORPORATION ACT

#### Chapters

**23A.04 Definitions.**  
**23A.08 Substantive provisions.**  
**23A.16 Amendment.**  
**23A.24 Sale of assets.**  
**23A.32 Foreign corporations.**  
**23A.40 Fees and charges.**

#### Chapter 23A.04

### DEFINITIONS

#### Sections

23A.04.010 Definitions.

**23A.04.010 Definitions.** As used in this title, unless the context otherwise requires, the term:

(1) "Corporation" or "domestic corporation" means a corporation for profit subject to the provisions of this title, except a foreign corporation.

(2) "Foreign corporation" means a corporation for profit organized under laws other than the laws of this state for a purpose or purposes for which a corporation may be organized under this title.

(3) "Articles of incorporation" means the original or restated articles of incorporation or articles of consolidation and all amendments thereto including articles of merger.

(4) "Shares" means the units into which the proprietary interests in a corporation are divided.

(5) "Subscriber" means one who subscribes for one or more shares in a corporation, whether before or after incorporation.

(6) "Shareholder" means one who is a holder of record of one or more shares in a corporation. If the articles of incorporation or the bylaws so provide, the board of directors may adopt by resolution a procedure whereby a shareholder of the corporation may certify in writing to the corporation that all or a portion of the shares registered in the name of such shareholder are held for the account of a specified person or persons. The resolution shall set forth:

(a) The classification of shareholder who may certify;

(b) The purpose or purposes for which the certification may be made;

(c) The form of certification and information to be contained therein;

(d) If the certification is with respect to a record date or closing of the stock transfer books within which the certification must be received by the corporation; and

(e) Such other provisions with respect to the procedure as are deemed necessary or desirable.

Upon receipt by the corporation of a certification complying with the procedure, the persons specified in the certification shall be deemed, for the purpose or purposes set forth in the certification, to be the holders of record of the number of shares specified in place of the shareholder making the certification.

(7) "Authorized shares" means the shares of all classes which the corporation is authorized to issue.

(8) "Duplicate originals" means two copies, original or otherwise, each with original signatures, or one original with original signatures and one copy thereof.

(9) "Conforms to law" as used in this title in connection with duties of the secretary of state in reviewing documents for filing under this title means the secretary of state has determined the document complies as to form with the applicable requirements of this title.

(10) "Effective date" means, in connection with a filing made by the secretary of state, the date which is shown by affixing a "filed" stamp on the documents. When a document is received for filing by the secretary of state in a form which complies with the requirements of this title and which would entitle the document to be filed immediately upon receipt, but the secretary of state's approval action occurs subsequent to the date of receipt, the secretary of state's filing date shall relate back to the date on which the secretary of state first received the document in acceptable form. An applicant may request a specific effective date no more than thirty days later than the date of receipt which might otherwise be applied as the effective date.

(11) "Executed by an officer of the corporation," or words of similar import, means that any document signed by such person shall be and is signed by that person under penalties of perjury and in an official and authorized capacity on behalf of the corporation or person submitting the document with the secretary of state.

(12) "An officer of the corporation" means, in connection with the execution of documents submitted for filing with the secretary of state, the president, a vice president, the secretary or the treasurer of the corporation.

(13) "Distribution" means a direct or indirect transfer of money or other property (except its own shares) or incurrence of indebtedness by a corporation to or for the benefit of its shareholders in respect of any of its shares. A distribution may be in the form of a dividend; a purchase, redemption, or other acquisition of shares; or otherwise.

(14) "Public company" means a corporation that has a class of shares registered with the federal securities and exchange commission pursuant to section 12 of the securities exchange act of 1934, or any successor statute, and that has more than three hundred holders of record

of its shares. [1986 c 117 § 1; 1984 c 75 § 1; 1982 c 35 § 4; 1979 c 16 § 1; 1965 c 53 § 3.]

**Severability**—1986 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." [1986 c 117 § 27.]

**Intent**—**Severability**—**Effective dates**—**Application**—1982 c 35: See notes following RCW 43.07.160.

## Chapter 23A.08

### SUBSTANTIVE PROVISIONS

#### Sections

23A.08.070	Registered name.
23A.08.080	Renewal of registered name.
23A.08.110	Service of process on corporation.
23A.08.120	Authorized shares.
23A.08.150	Issuance of shares.
23A.08.190	Shares—Representation by certificates permitted— Contents of certificates.
23A.08.195	Issuance of classes or series of shares without certificates—Written statement.
23A.08.200	Issuance of fractions of a share or scrip.
23A.08.250	Meetings of shareholders.
23A.08.260	Notice of shareholders' meetings.
23A.08.270	Closing of transfer books and fixing record date.
23A.08.305	Missing shareholders—Representation of at meetings—Voting.
23A.08.310	Stock transfer by married person.
23A.08.320	Shares issued or transferred in joint tenancy form— Presumption—Transfers pursuant to direction of survivor.
23A.08.330	Voting trust—Agreements.
23A.08.380	Removal of directors.
23A.08.390	Quorum of directors.
23A.08.400	Executive and other committees.
23A.08.450	Liability of directors in certain cases.

**23A.08.070 Registered name.** Any corporation, organized and existing under the laws of any state or territory of the United States may register its corporate name under this title, provided its corporate name is not the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state, or the name of any foreign corporation authorized to transact business in this state, or any corporate name reserved or registered under this title.

Such registration shall be made by:

(1) Filing with the secretary of state (a) an application for registration executed by the corporation by an officer thereof, setting forth the name of the corporation, the state or territory under the laws of which it is incorporated, the date of its incorporation, a statement that it is carrying on or doing business, and a brief statement of the business in which it is engaged, and (b) a certificate setting forth that such corporation is in good standing under the laws of the state or territory wherein it is organized, executed by the secretary of state of such state or territory or by such other official as may have custody of the records pertaining to corporations, and

(2) Paying to the secretary of state a registration fee in the amount of twenty dollars.

Such registration shall be effective until the close of the calendar year in which the application for registration is filed. [1986 c 117 § 2; 1965 c 53 § 10.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**23A.08.080 Renewal of registered name.** A corporation which has in effect a registration of its corporate name, may renew such registration from year to year by annually filing an application for renewal setting forth the facts required to be set forth in an original application for registration and a certificate of good standing as required for the original registration and by paying a fee of twenty dollars. A renewal application may be filed between the first day of October and the thirty-first day of December in each year, and shall extend the registration for the following calendar year. [1986 c 117 § 3; 1965 c 53 § 11.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**23A.08.110 Service of process on corporation.** The registered agent so appointed by a corporation shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

Whenever a corporation shall fail to appoint or maintain a registered agent in this state, or whenever its registered agent cannot with reasonable diligence be found at the registered office, then the secretary of state shall be an agent of such corporation upon whom any such process, notice, or demand may be served. Service on the secretary of state of any such process, notice, or demand shall be made by delivering to and leaving with the secretary of state, or with any duly authorized clerk of the corporation department of the secretary of state's office, duplicate copies of such process, notice or demand. In the event any such process, notice or demand is served on the secretary of state, the secretary of state shall immediately cause one of the copies thereof to be forwarded by certified mail, addressed to the secretary of the corporation as shown on the records of the secretary of state. Any service so had on the secretary of state shall be returnable in not less than thirty days.

The secretary of state shall keep a record of all processes, notices and demands served upon the secretary of state under this section, and shall record therein the time of such service and the secretary of state's action with reference thereto.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law. [1986 c 117 § 4; 1982 c 35 § 8; 1967 c 190 § 2; 1965 c 53 § 14.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**Intent**—**Severability**—**Effective dates**—**Application**—1982 c 35: See notes following RCW 43.07.160.

**23A.08.120 Authorized shares.** Each corporation shall have power to create and issue the number of shares stated in its articles of incorporation. Such shares may be divided into one or more classes with such designations, preferences, limitations, and relative rights as shall be stated in the articles of incorporation. Any of the designations, preferences, limitations, or relative

rights of any class or series may be made dependent upon facts ascertainable outside the articles of incorporation or of any amendment thereto, or outside the resolution or resolutions providing for the issue of shares adopted by the board of directors pursuant to authority expressly vested in it by its articles of incorporation, if the manner in which such facts shall operate on the designations, preferences, limitations, or relative rights of such class or series is clearly and expressly set forth in the articles of incorporation or in the resolution or resolutions providing for the issue of such shares adopted by the board of directors. The articles of incorporation may limit or deny the voting rights of or provide special voting rights for the shares of any class to the extent not inconsistent with the provisions of this title.

Without limiting the authority herein contained, a corporation, when so provided in its articles of incorporation, may issue shares of preferred or special classes:

(1) Subject to the right of the corporation to redeem any of such shares at the price fixed by the articles of incorporation for the redemption thereof.

(2) Entitling the holders thereof to cumulative, non-cumulative or partially cumulative dividends.

(3) Having preference over any other class or classes of shares as to the payment of dividends.

(4) Having preference in the assets of the corporation over any other class or classes of shares upon the voluntary or involuntary liquidation of the corporation.

(5) Convertible into shares of any other class or into shares of any series of the same or any other class, except a class having prior or superior rights and preferences as to dividends or distribution of assets upon liquidation. [1986 c 117 § 5; 1985 c 290 § 1; 1984 c 75 § 4; 1979 c 16 § 8; 1965 c 53 § 15.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**23A.08.150 Issuance of shares.** Subject to any restrictions in the articles of incorporation, the corporation, upon authorization by the board of directors, may issue its own shares in exchange for or in conversion of its outstanding shares, or distribute its own shares, pro rata to its shareholders or the shareholders of one or more classes or series, to effectuate stock dividends or splits, and any such transaction shall not require consideration. However, such issuance of shares of any class or series shall not be made to the holders of shares of any other class or series unless it is either expressly provided for in the articles of incorporation, or is authorized by an affirmative vote or the written consent of the holders of at least a majority of the outstanding shares of the class or series in which the distribution is to be made. [1986 c 117 § 6; 1984 c 75 § 7; 1979 c 16 § 9; 1965 c 53 § 18.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**23A.08.190 Shares—Representation by certificates permitted—Contents of certificates.** (1) Shares may but need not be represented by certificates. Unless this title or another statute expressly provides otherwise, the rights and obligations of shareholders are identical



whether or not their shares are represented by certificates.

(2) At a minimum each share certificate must state on its face:

(a) The name of the issuing corporation and that it is organized under the laws of this state;

(b) The name of the person to whom issued;

(c) The number and class of shares, and the designation of the series, if any, which such certificate represents.

(3) If the issuing corporation is authorized to issue different classes of shares or different series within a class, the designations, relative rights, preferences, and limitations applicable to each class and the variations in rights, preferences, and limitations determined for each series and the board's authority to determine variations for future series must be summarized on the front or back of each certificate. Alternatively, each certificate may state conspicuously on its front or back that the corporation will furnish the shareholder this information on request in writing and without charge.

(4) Each share certificate (a) must be signed either manually or in facsimile by two officers designated in the bylaws or by the board of directors and (b) may bear the corporate seal or its facsimile.

(5) If the person who signed either manually or in facsimile a share certificate no longer holds office when the certificate is issued, the certificate is nevertheless valid. [1986 c 35 § 55; 1985 c 290 § 3; 1984 c 75 § 10; 1979 c 16 § 10; 1965 c 53 § 22.]

**23A.08.195 Issuance of classes or series of shares without certificates—Written statement.** (1) Unless the articles of incorporation or bylaws provide otherwise, the board of directors of a corporation may authorize the issue of any of its classes or series of shares without certificates. The authorization does not affect shares already represented by certificates until they are surrendered to the corporation.

(2) Within a reasonable time after the issue or transfer of shares without certificates, the corporation shall send the shareholder a complete written statement of the information required on certificates by RCW 23A.08.190. [1986 c 35 § 56.]

**23A.08.200 Issuance of fractions of a share or scrip.**

A corporation may (1) issue fractions of a share, (2) arrange for the disposition of fractional interests by those entitled thereto, (3) pay in money the fair value of fractions of a share as of the time when those entitled to receive such shares are determined, or (4) issue scrip in registered or bearer form which shall entitle the holder to receive a certificate for a full share upon the surrender of such scrip aggregating a full share. The holder of a fractional share is entitled to exercise the rights of a shareholder, including the right to vote, to receive dividends, and to participate in the assets of the corporation upon liquidation. The holder of scrip is not entitled to any of these rights unless the scrip provides for them. The board of directors may cause such scrip to be issued

subject to the condition that it shall become void if not exchanged for full shares before a specified date, or subject to the condition that the shares for which such scrip is exchangeable may be sold by the corporation and the proceeds thereof distributed to the holders of such scrip, or subject to any other conditions which the board of directors may deem advisable. [1986 c 35 § 57; 1984 c 75 § 11; 1979 c 16 § 11; 1965 c 53 § 23.]

**23A.08.250 Meetings of shareholders.** Meetings of shareholders may be held at such place within or without this state as may be stated in or fixed in accordance with the bylaws. If no place is stated or so fixed, meetings shall be held at the principal place of business of the corporation.

An annual meeting of the shareholders shall be held at such time as may be stated in or fixed in accordance with the bylaws. If the annual meeting is not held within any thirteen-month period the superior court may, on the application of any shareholder for a writ of mandamus, summarily order a meeting to be held.

Special meetings of the shareholders may be called by the board of directors, the holders of not less than one-tenth of all the shares entitled to vote at the meeting, or such other persons as may be authorized in the articles of incorporation or the bylaws. The right of shareholders of a public company to call a special meeting of shareholders may be limited or denied to the extent provided in the articles of incorporation. [1986 c 117 § 7; 1979 c 16 § 13; 1965 c 53 § 28.]

**Severability—1986 c 117:** See note following RCW 23A.04.010.

**23A.08.260 Notice of shareholders' meetings.** Written notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than sixty days before the date of the meeting, either personally or by mail, by or at the direction of the president, the secretary, or the officer or persons calling the meeting, to each shareholder of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the shareholder at his address as it appears on the stock transfer books of the corporation, with postage thereon prepaid. [1986 c 117 § 8; 1965 c 53 § 29.]

**Severability—1986 c 117:** See note following RCW 23A.04.010.

**23A.08.270 Closing of transfer books and fixing record date.** For the purpose of determining shareholders entitled to notice of or to vote at any meeting of shareholders or any adjournment thereof, or entitled to receive payment of any dividend, or in order to make a determination of shareholders for any other proper purpose, the board of directors of a corporation may provide that the stock transfer books shall be closed for a stated period but not to exceed, in any case, sixty days. If the stock transfer books shall be closed for the purpose of determining shareholders entitled to notice of or to vote at a meeting of shareholders, such books shall be closed

for at least ten days immediately preceding such meeting. In lieu of closing the stock transfer books, the bylaws, or in the absence of an applicable bylaw, the board of directors may fix in advance a date as the record date for any such determination of shareholders, such date in any case to be not more than sixty days and, in case of a meeting of shareholders, not less than ten days prior to the date on which the particular action, requiring such determination of shareholders, is to be taken. If the stock transfer books are not closed and no record date is fixed for the determination of shareholders entitled to notice of or to vote at a meeting of shareholders, or shareholders entitled to receive payment of a dividend, the date on which notice of the meeting is mailed or the date on which the resolution of the board of directors declaring such dividend is adopted, as the case may be, shall be the record date for such determination of shareholders. When a determination of shareholders entitled to vote at any meeting of shareholders has been made as provided in this section, such determination shall apply to any adjournment thereof. [1986 c 117 § 9; 1965 c 53 § 30.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**23A.08.305 Missing shareholders—Representation of at meetings—Voting.** Upon a showing to the superior court of the county in which the registered office of a corporation is situated that:

(1) The addresses of the shareholders of record are lost, destroyed, incomplete or inadequate, and

(2) Notice of a meeting of shareholders for a purpose requiring the affirmative vote of the holders of two-thirds of any class of shares has been given in the manner required by law as nearly as may be done and has been published in a legal newspaper in Thurston county and in the county in which the registered office of the corporation is situated not less than ten nor more than sixty days before the date of the meeting, the court shall appoint a disinterested person to represent the missing shareholders of record at the meeting and to report his findings to the court which findings may include comments upon the showing made to the court as hereinabove provided. The court shall then approve any action taken at the meeting by the shareholders present in person or by proxy if the court is satisfied that it is in the best interests of the missing shareholders, and such approval shall have the same force and effect as an affirmative vote at the meeting by the missing shareholders. Said disinterested person shall receive reasonable compensation for his services from the corporation, to be fixed by the court.

(3) Published notice given under subsection (2) of this section shall state that:

(a) shareholders who have not received notice by mail will be treated as missing shareholders; and

(b) if the missing shareholders fail to appear at the shareholders' meeting, the court will appoint a person to vote their shares. [1986 c 117 § 10; 1973 c 28 § 1; 1969 ex.s. c 58 § 5.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**23A.08.310 Stock transfer by married person.** Shares of record in the name of a married person may be transferred by such person, such person's agent or attorney, without the signature of such person's spouse. All dividends payable upon any shares of a corporation standing in the name of a married person, shall be paid to such married person, such person's agent or attorney, in the same manner as if such person were unmarried, and it shall not be necessary for the other spouse to join in a receipt therefor; and any proxy or power given by a married person, touching any shares of any corporation standing in such person's name, shall be valid and binding without the signature of the other spouse. [1986 c 35 § 58; 1973 1st ex.s. c 154 § 23; 1965 c 53 § 34.]

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

**23A.08.320 Shares issued or transferred in joint tenancy form—Presumption—Transfers pursuant to direction of survivor.** Whenever shares or other securities issued by domestic or foreign corporations are or have been issued or transferred to two or more persons in joint tenancy form on the books or records of the corporation, it is presumed in favor of the corporation, its registrar and its transfer agent that the shares or other securities are owned by such persons in joint tenancy and not otherwise. A domestic or foreign corporation or its registrar or transfer agent is not liable for transferring or causing to be transferred on the books of the corporation to or pursuant to the direction of the surviving joint tenant or tenants any share or shares or other securities theretofore issued by the corporation to two or more persons in joint tenancy form on the books or records of the corporation, unless the transfer was made with actual knowledge by the corporation or by its registrar or transfer agent of the existence of any understanding, agreement, condition, or evidence that the shares or securities were held other than in joint tenancy, or of the invalidity of the joint tenancy or a breach of trust by the joint tenants. [1986 c 35 § 59; 1965 c 53 § 35.]

**23A.08.330 Voting trust—Agreements.** Any number of shareholders of a corporation may create a voting trust for the purpose of conferring upon a trustee or trustees the right to vote or otherwise represent their shares, for a period of not to exceed ten years, by entering into a written voting trust agreement specifying the terms and conditions of the voting trust, by depositing a counterpart of the agreement with the corporation at its registered office, and by transferring their shares to such trustee or trustees for the purposes of the agreement. Certificates of shares or uncertificated shares so transferred shall be surrendered and canceled, and new certificates or uncertificated shares issued to such trustee or trustees to whom it appears the shares, if any, are issued under the agreement. In the entry of transfer on the books of the corporation it shall also be noted that the transfer is made pursuant to said agreement. The trustee or trustees may execute and deliver to the transferors voting trust certificates. Such voting trust certificates

shall be transferable in the same manner and with the same effect as certificates of stock under the laws of this state.

The counterpart of the voting trust agreement deposited with the corporation shall be subject to the same right of examination by a shareholder of the corporation, in person or by agent or attorney, as are the books and records of the corporation, and shall be subject to examination by any holder of a beneficial interest in the voting trust, either in person or by agent or attorney, at any reasonable time for any proper purpose.

At any time within six months before the expiration of such voting trust agreement as originally fixed or extended under this paragraph, one or more holders of voting trust certificates may, by agreement in writing, extend the duration of such voting trust agreement, nominating the same or substitute trustee or trustees, for an additional period not exceeding ten years. Such extension agreement shall not affect the rights or obligations of persons not parties thereto and shall in every respect comply with and be subject to all the provisions of this title applicable to the original voting trust agreement.

Agreements among shareholders regarding the voting of their shares shall be valid and enforceable in accordance with their terms. Such agreements shall not be subject to the provisions of this section regarding voting trusts. [1986 c 35 § 60; 1980 c 99 § 3; 1965 c 53 § 36.]

**23A.08.380 Removal of directors.** At a meeting of shareholders called expressly for that purpose, directors may be removed in the manner provided in this section. Any director or the entire board of directors may be removed, with or without cause (unless the articles of incorporation provide that directors may be removed only for cause), by a vote of the holders of a majority of the shares then entitled to vote at an election of directors.

In the case of a corporation having cumulative voting, if less than the entire board is to be removed, no one of the directors may be removed if the votes cast against his removal would be sufficient to elect him if then cumulatively voted at an election of the entire board of directors, or, if there be classes of directors, at an election of the class of directors of which he is a part.

Whenever the holders of the shares of any class are entitled to elect one or more directors by the provisions of the articles of incorporation, the provisions of this section shall apply, in respect to the removal of a director or directors so elected, to the vote of the holders of the outstanding shares of that class and not to the vote of the outstanding shares as a whole. [1986 c 117 § 11; 1979 c 16 § 20; 1965 c 53 § 41.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**23A.08.390 Quorum of directors.** A majority of the number of directors fixed by or in the manner provided in the bylaws, or in the absence of a bylaw fixing or providing for the number of directors, then of the number fixed by or in the manner provided in the articles of

incorporation, shall constitute a quorum for the transaction of business unless a greater number is required by the articles of incorporation or the bylaws.

The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by the articles of incorporation or the bylaws. [1986 c 117 § 12; 1985 c 290 § 7; 1979 c 16 § 21; 1965 c 53 § 42.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**23A.08.400 Executive and other committees.** If the articles of incorporation or the bylaws so provide, the board of directors, by resolution adopted by a majority of the full board of directors, may designate from among its members an executive committee and one or more other committees each of which, to the extent provided in such resolution or in the articles of incorporation or the bylaws of the corporation, shall have and may exercise all the authority of the board of directors, except that no such committee shall have the authority to: (1) Authorize distributions or the issuance of shares, unless a resolution of the board of directors, or the bylaws, or articles of incorporation expressly so provide, (2) approve or recommend to shareholders actions or proposals required by this title to be approved by shareholders, (3) fill vacancies on the board of directors or any committee thereof, (4) amend the bylaws, (5) fix compensation of any director for serving on the board of directors or on any committee, (6) approve a plan of merger, consolidation, or exchange of shares not requiring shareholder approval, (7) appoint other committees of the board of directors or the members thereof, or (8) amend the articles of incorporation, except that a committee may, to the extent authorized in the resolution or resolutions providing for the issuance of shares adopted by the board of directors as provided in RCW 23A.08.130, fix any of the relative rights and preferences of such shares. [1986 c 117 § 13; 1984 c 75 § 13; 1980 c 99 § 7; 1965 c 53 § 43.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**23A.08.450 Liability of directors in certain cases.** In addition to any other liabilities, directors shall be liable in the following circumstances unless they comply with the standard provided in RCW 23A.08.343 for the performance of the duties of directors:

(1) Directors of a corporation who vote for or assent to any distribution contrary to the provisions of this title, or contrary to any restrictions contained in the articles of incorporation, shall be liable to the corporation, jointly and severally with all other directors so voting or assenting, for the amount of such distribution in excess of the amount of such distribution which could have been made without a violation of the provisions of this title or the restrictions in the articles of incorporation.

(2) The directors of a corporation who vote for or assent to the making of a loan to a director of the corporation shall be jointly and severally liable to the

corporation for the amount of such loan until the repayment thereof, unless approved as provided in RCW 23A.08.445.

Any director against whom a claim shall be asserted under or pursuant to this section for the making of a distribution and who shall be held liable thereon, shall be entitled to contribution from the shareholders who accepted or received any such distribution, knowing such distribution to have been made in violation of this title, in proportion to the amounts received by them respectively.

Any director against whom a claim shall be asserted under or pursuant to this section shall be entitled to contribution from any other director who voted for or assented to the action upon which the claim is asserted and who did not comply with the standard provided in this title for the performance of the duties of directors. [1986 c 117 § 14; 1985 c 290 § 9; 1984 c 75 § 15; 1982 c 35 § 11; 1980 c 99 § 8; 1979 c 16 § 24; 1965 c 53 § 48.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**Intent**—**Severability**—**Effective dates**—**Application**—1982 c 35: See notes following RCW 43.07.160.

## Chapter 23A.16 AMENDMENT

### Sections

- 23A.16.020 Procedure to amend articles of incorporation.  
23A.16.075 Restated articles of incorporation.

**23A.16.020 Procedure to amend articles of incorporation.** Amendments to the articles of incorporation shall be made in the following manner:

(1) The board of directors shall adopt a resolution setting forth the proposed amendment and, if shares have been issued, directing that it be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting. If no shares have been issued, the amendment shall be adopted by resolution of the board of directors and the provisions for adoption by shareholders shall not apply. If the corporation has only one class of shares outstanding, an amendment solely to provide, change, or eliminate any provision with respect to the par value of any class of shares, or solely to change the number of authorized shares to effectuate a split of, or stock dividend in, the corporation's own shares, or solely to do so and to change the number of authorized shares in proportion thereto, may be adopted by the board of directors; and the provisions for adoption by shareholders shall not apply, unless otherwise provided by the articles of incorporation.

(2) Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this title for the giving of notice of meetings of shareholders. If the meeting be an annual meeting, the proposed amendment or such summary may be included in the notice of such annual meeting.

(3) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of the holders of two-thirds of the shares entitled to vote thereon, or, in the case of a public company, a majority of the shares entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of two-thirds of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon or, in the case of a public company, a majority of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon.

Any number of amendments may be submitted to the shareholders, and voted upon by them, at one meeting. [1986 c 117 § 15; 1984 c 75 § 18; 1979 c 16 § 30; 1965 c 53 § 61.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**23A.16.075 Restated articles of incorporation.** A domestic corporation may at any time restate its articles of incorporation as theretofore amended, by a resolution adopted by the board of directors.

Upon the adoption of the resolution, restated articles of incorporation shall be executed in duplicate by the corporation by one of its officers. The restated articles shall set forth all of the operative provisions of the articles of incorporation as theretofore amended together with a statement that the restated articles of incorporation correctly set forth without change the provisions of the articles of incorporation as theretofore amended and that the restated articles of incorporation supersede the original articles of incorporation and all amendments thereto.

Duplicate originals of the restated articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the restated articles of incorporation conform to law, the secretary of state shall, when all fees required by this title have been paid:

- (1) Endorse on each duplicate original the word "Filed" and the date of the filing thereof;
- (2) File one duplicate original in the secretary of state's office; and
- (3) Issue a restated certificate of incorporation, to which the other duplicate original shall be affixed.

The restated certificate of incorporation, together with the duplicate original of the restated articles of incorporation affixed thereto by the secretary of state, shall be returned to the corporation or its representative.

Upon the filing of the restated articles of incorporation by the secretary of state, the restated articles of incorporation shall become effective and shall supersede the original articles of incorporation and all amendments thereto. [1986 c 117 § 16; 1982 c 35 § 20; 1979 c 16 § 33.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**Intent**—**Severability**—**Effective dates**—**Application**—1982 c 35: See notes following RCW 43.07.160.

*Unauthorized signature on document filed with secretary of state—  
Penalty: RCW 23A.44.010.*

## Chapter 23A.24 SALE OF ASSETS

### Sections

23A.24.040 Rights of dissenting shareholders.

**23A.24.040 Rights of dissenting shareholders.** Any shareholder electing to exercise such right of dissent shall file with the corporation, prior to or at the meeting of shareholders at which such proposed corporate action is submitted to a vote, a written objection to such proposed corporate action. If such proposed corporate action be approved by the required vote and such shareholder shall not have voted in favor thereof, such shareholder may, within ten days after the date on which the vote was taken, or if a corporation is to be merged without a vote of its shareholders into another corporation, any other shareholders may, within fifteen days after the plan of such merger shall have been mailed to such shareholders, make written demand on the corporation, or, in the case of a merger or consolidation, on the surviving or new corporation, domestic or foreign, for payment of the fair value of such shareholder's shares, and, if such proposed corporate action is effected, such corporation shall pay to such shareholder, upon surrender of the certificate or certificates representing certificated shares or upon imposition of restrictions on transfer of uncertificated shares, the fair value thereof as of the day prior to the date on which the vote was taken approving the proposed corporate action, excluding any appreciation or depreciation in anticipation of such corporate action. Any shareholder failing to make demand within the applicable ten day or fifteen day period shall be bound by the terms of the proposed corporate action. Any shareholder making such demand shall thereafter be entitled only to payment as in this section provided and shall not be entitled to vote or to exercise any other rights of a shareholder.

No such demand shall be withdrawn unless the corporation shall consent thereto. The right of such shareholder to be paid the fair value of his shares shall cease and his status as a shareholder shall be restored, without prejudice to any corporate proceedings which may have been taken during the interim, if:

- (1) Such demand shall be withdrawn upon consent; or
- (2) The proposed corporate action shall be abandoned or rescinded or the shareholders shall revoke the authority to effect such action; or
- (3) In the case of a merger, on the date of the filing of the articles of merger the surviving corporation is the owner of all the outstanding shares of the other corporations, domestic and foreign, that are parties to the merger; or
- (4) No demand or petition for the determination of fair value by a court shall have been made or filed within the time provided by this section; or

(5) A court of competent jurisdiction shall determine that such shareholder is not entitled to the relief provided by this section.

Within ten days after such corporate action is effected, the corporation, or, in the case of a merger or consolidation, the surviving or new corporation, domestic or foreign, shall give written notice thereof to each dissenting shareholder who has made demand as herein provided, and shall make a written offer to each such shareholder to pay for such shares at a specified price deemed by such corporation to be the fair value thereof. Such notice and offer shall be accompanied by a balance sheet of the corporation the shares of which the dissenting shareholder holds, as of the latest available date and not more than twelve months prior to the making of such offer, and a profit and loss statement of such corporation for the twelve months' period ended on the date of such balance sheet.

If within thirty days after the date on which such corporate action was effected the fair value of such shares is agreed upon between any such dissenting shareholder and the corporation, payment therefor shall be made within ninety days after the date on which such corporate action was effected, upon surrender of the certificate or certificates representing certificated shares or upon imposition of restrictions on transfer of uncertificated shares. Upon payment of the agreed value the dissenting shareholder shall cease to have any interest in such shares.

If within such period of thirty days a dissenting shareholder and the corporation do not so agree, then the corporation, within thirty days after receipt of written demand from any dissenting shareholder given within sixty days after the date on which such corporate action was effected, shall, or at its election at any time within such period of sixty days may, file a petition in any court of competent jurisdiction in the county in this state where the registered office of the corporation is located praying that the fair value of such shares be found and determined. If, in the case of a merger or consolidation, the surviving or new corporation is a foreign corporation without a registered office in this state, such petition shall be filed in the county where the registered office of the domestic corporation was last located. If the corporation shall fail to institute the proceeding as herein provided, any dissenting shareholder may do so in the name of the corporation. All dissenting shareholders, wherever residing, shall be made parties to the proceeding as an action against their shares quasi in rem. A copy of the petition shall be served on each dissenting shareholder who is a resident of this state and shall be served by registered or certified mail on each dissenting shareholder who is a nonresident. Service on nonresidents shall also be made by publication as provided by law. The jurisdiction of the court shall be plenary and exclusive. All shareholders who are parties to the proceeding shall be entitled to judgment against the corporation for the amount of the fair value of their shares. The court may, if it so elects, appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers

shall have such power and authority as shall be specified in the order of their appointment or an amendment thereof. The judgment shall be payable only upon and concurrently with the surrender to the corporation of the certificate or certificates representing such shares. Upon payment of the judgment, the dissenting shareholder shall cease to have any interest in such shares.

The judgment shall include an allowance for interest at such rate as the court may find to be fair and equitable in all the circumstances, from the date on which the vote was taken on the proposed corporate action to the date of payment.

The costs and expenses of any such proceeding shall be determined by the court and shall be assessed against the corporation, but all or any part of such costs and expenses may be apportioned and assessed as the court may deem equitable against any or all of the dissenting shareholders who are parties to the proceeding to whom the corporation shall have made an offer to pay for the shares if the court shall find that the action of such shareholders in failing to accept such offer was arbitrary or vexatious or not in good faith. Such expenses shall include reasonable compensation for and reasonable expenses of the appraisers, but shall exclude the fees and expenses of counsel for and experts employed by any party; but if the fair value of the shares as determined materially exceeds the amount which the corporation offered to pay therefor, or if no offer was made, the court in its discretion may award to any shareholder who is a party to the proceeding such sum as the court may determine to be reasonable compensation to any expert or experts employed by the shareholder in the proceeding.

Within twenty days after demanding payment for his shares, each shareholder demanding payment shall submit the certificate or certificates representing his certificated shares to the corporation for notation thereon that such demand has been made. His failure to do so shall, at the option of the corporation, terminate his rights under this section unless a court of competent jurisdiction, for good and sufficient cause shown, shall otherwise direct. If shares represented by a certificate on which notation has been so made shall be transferred, each new certificate issued therefor shall bear similar notation, together with the name of the original dissenting holder of such shares, and a transferee of such shares shall acquire by such transfer no rights in the corporation other than those which the original dissenting shareholder had after making demand for payment of the fair value thereof. [1986 c 35 § 61; 1985 c 290 § 14; 1979 c 16 § 44; 1965 c 53 § 83.]

### Chapter 23A.32

#### FOREIGN CORPORATIONS

##### Sections

23A.32.050	Application for certificate of authority.
23A.32.090	Change of registered office or registered agent of foreign corporation.
23A.32.100	Service of process on foreign corporation.
23A.32.110	Repealed.
23A.32.120	Repealed.

23A.32.130	Amended certificate of authority.
23A.32.160	Revocation of certificate of authority—Notice.
23A.32.170	Issuance of certificate of revocation.
23A.32.173	Application for reinstatement after revocation.
23A.32.176	Application for reinstatement—Fees.

#### 23A.32.050 Application for certificate of authority.

A foreign corporation, in order to procure a certificate of authority to transact business in this state, shall make application therefor to the secretary of state, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) If the name of the corporation does not contain the word "corporation", "company", "incorporated", or "limited", or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this state.

(3) The date of incorporation and the period of duration of the corporation.

(4) The address of the principal office of the corporation.

(5) The purpose or purposes of the corporation which it proposes to pursue in the transaction of business in this state.

(6) The names and respective addresses of the directors and officers of the corporation.

(7) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes and series, if any within a class.

(8) A statement that a registered agent has been appointed and the name and address of such agent, and that a registered office exists and the address of such registered office is identical to that of the registered agent.

(9) The date of the beginning of its current annual accounting period.

(10) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine whether such corporation is entitled to a certificate of authority to transact business in this state and to determine and assess the fees payable as in this title prescribed.

(11) For any foreign agricultural cooperative association, evidence that the association has complied with the provisions of RCW 24.32.210.

Such application shall be made in the form prescribed by the secretary of state and shall be executed in duplicate by the corporation by one of its officers.

Such application shall be accompanied by a certificate of good standing which has been issued no more than sixty days before the date of filing of the application for a certificate of authority to do business in this state and has been certified to by the proper officer of the state or country under the laws of which it is incorporated. [1986 c 117 § 17; 1985 c 290 § 16; 1983 c 32 § 6; 1983 c 2 § 6. Prior: 1982 c 45 § 3; 1982 c 35 § 42; 1979 c 16 § 49; 1971 c 22 § 1; 1965 c 53 § 113.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**Construction**—**Application**—**Intent**—1983 c 32: See note following RCW 23A.28.127.

**Severability**—1983 c 2: See note following RCW 18.71.030.

**Intent**—**Severability**—**Effective dates**—**Application**—1982 c 35: See notes following RCW 43.07.160.

*Unauthorized signature on document filed with secretary of state*—  
*Penalty: RCW 23A.44.010.*

**23A.32.090 Change of registered office or registered agent of foreign corporation.** A foreign corporation authorized to transact business in this state may change its registered office or change its registered agent, or both, upon filing in the office of the secretary of state a statement setting forth:

(1) The name of the corporation.

(2) If the address of its registered office is to be changed, the address to which the registered office is to be changed.

(3) If its registered agent is to be changed, the name of its successor registered agent.

(4) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.

(5) That such change was authorized by resolution duly adopted by its board of directors.

Such statement shall be executed in a form prescribed by the secretary of state by the corporation by an officer of the corporation, and delivered to the secretary of state, together with a written consent of the registered agent to his or its appointment, if applicable. If the secretary of state finds that such statement conforms to the provisions of this title, the secretary of state shall endorse thereon the word "Filed," and the month, day, and year of the filing thereof, and file the statement. The change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective upon filing unless a later date is specified.

Any registered agent of a foreign corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the secretary of state, who shall forthwith mail a copy thereof to the secretary of the corporation at its principal office as shown on the records of the secretary of state. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

If a registered agent changes his or its business address to another place within the state, he or it may change such address and the address of the registered office of any corporation of which he or it is a registered agent by filing a statement as required by this section, except that it need be signed only by the registered agent, it need not be responsive to subsections (3) or (5) of this section, and it must recite that a copy of the statement has been mailed to the secretary of the corporation. [1986 c 117 § 18; 1982 c 35 § 48; 1979 c 16 § 54; 1965 c 53 § 117.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**Intent**—**Severability**—**Effective dates**—**Application**—1982 c 35: See notes following RCW 43.07.160.

*Revocation of certificate of authority*—*Failure to file statement of change of registered office or registered agent: RCW 23A.32.160.*

*Unauthorized signature on document filed with secretary of state*—  
*Penalty: RCW 23A.44.010.*

**23A.32.100 Service of process on foreign corporation.** The registered agent so appointed by a foreign corporation authorized to transact business in this state shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

Whenever a foreign corporation authorized to transact business in this state shall fail to appoint or maintain a registered agent in this state, or whenever any such registered agent cannot with reasonable diligence be found at the registered office, or whenever the certificate of authority of a foreign corporation shall be suspended or revoked, then the secretary of state shall be an agent of such corporation upon whom any such process, notice, or demand may be served. Service on the secretary of state of any such process, notice, or demand shall be made by delivering to and leaving with the secretary of state, or with any duly authorized clerk of the corporation department of the secretary of state's office, duplicate copies of such process, notice or demand. In the event any such process, notice or demand is served on the secretary of state, the secretary of state shall immediately cause one of such copies thereof to be forwarded by certified mail, addressed to the secretary of the corporation at its principal office as shown on the records of the secretary of state. Any service so had on the secretary of state shall be returnable in not less than thirty days.

The secretary of state shall keep a record of all processes, notices and demands served upon the secretary of state under this section, and shall record therein the time of such service and his action with reference thereto.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand, required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law. [1986 c 117 § 19; 1982 c 35 § 49; 1965 c 53 § 118.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**Intent**—**Severability**—**Effective dates**—**Application**—1982 c 35: See notes following RCW 43.07.160.

*Commencement of actions: Chapter 4.28 RCW.*

**23A.32.110 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**23A.32.120 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**23A.32.130 Amended certificate of authority.** A foreign corporation authorized to transact business in this state shall procure an amended certificate of authority in the event it changes (a) its corporate name, or (b) the period of its duration, or (c) the state or country of its incorporation, by making application therefor to the secretary of state within sixty days of such change.

The requirements in respect to the form and contents of such application, the manner of its execution, the filing of duplicate originals thereof with the secretary of state, the issuance of an amended certificate of authority and the effect thereof, shall be the same as in the case of

an original application for a certificate of authority. [1986 c 117 § 22; 1965 c 53 § 121.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**23A.32.160 Revocation of certificate of authority—Notice.** (1) The certificate of authority of a foreign corporation to transact business in this state shall be revoked by the secretary of state upon the conditions prescribed in this section when:

(a) The corporation has failed to pay any fees or penalties prescribed by this title when they have become due and payable; or

(b) The corporation has failed to file any annual report prescribed by this title, and such omission has extended for a period of sixty days since the last day for timely filing; or

(c) The corporation has failed for sixty days to appoint and maintain a registered agent in this state as required by this title; or

(d) The corporation has failed, for sixty days after change of its registered office or registered agent, to file in the office of the secretary of state a statement of such change as required by this title; or

(e) The corporation has failed to file in the office of the secretary of state any amendment to its certificate of authority within the time prescribed by this title; or

(f) A misrepresentation has been made of any material matter in any application, report, affidavit or other document submitted by such corporation pursuant to this title; or

(g) The department of revenue has certified to the secretary of state that the corporation has failed to file a tax return and that a period of one year has passed since the last day permitted for timely filing of the return, without the corporation's having filed the return and made payment of all applicable taxes and penalties.

(2) Prior to revoking a certificate of authority under subsection (1) of this section, the secretary of state shall give the corporation written notice of the corporation's delinquency or omission by first class mail, postage prepaid, addressed to the corporation's registered agent. If, according to the records of the secretary of state, the corporation does not have a registered agent, the notice may be given by mail addressed to the corporation at its last known address or at the address of any officer or director of the corporation, as shown by the records of the secretary of state. Notice is deemed to have been given five days after the date deposited in the United States mail, correctly addressed, and with correct postage affixed. The notice shall inform the corporation that its certificate of authority shall be revoked at the expiration of sixty days following the date the notice has been deemed to have been given, unless it corrects the delinquency or omission within the sixty-day period.

(3) Any notice provided by the secretary of state under this section shall be designed to clearly identify and warn the recipient of the contents thereof. A delinquency notice shall provide a succinct and readable description of the delinquency or omission, the earliest date on which revocation may occur, and the action necessary to cure the delinquency or omission prior to revocation.

(4) The attorney general may take such action regarding revocation of a certificate of authority as is provided by RCW 23A.28.130 through 23A.28.250, for the administrative dissolution of a domestic corporation. The procedures of RCW 23A.28.150 shall apply to any action under this section. The clerk of any superior court entering a decree of revocation of a certificate of authority shall file a certified copy, without cost or filing fee, with the office of the secretary of state. [1986 c 117 § 23; 1983 c 32 § 7; 1982 c 35 § 52; 1980 c 99 § 12; 1965 c 53 § 124.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**Construction—Application—Intent**—1983 c 32: See note following RCW 23A.28.127.

**Intent—Severability—Effective dates—Application**—1982 c 35: See notes following RCW 43.07.160.

**Effective date**—1980 c 99: See note following RCW 23A.40.032.

*Change of registered office or registered agent: RCW 23A.32.090.*

*Registered office and registered agent: RCW 23A.32.080.*

### **23A.32.170 Issuance of certificate of revocation.**

When a corporation has given cause for revocation and has failed to correct the delinquency or omission within sixty days after notice has been deemed to have been given under RCW 23A.32.160, the secretary of state shall revoke the corporation's authority to conduct business in this state.

Upon revoking any such certificate of authority, the secretary of state shall:

(1) Issue a certificate of revocation in duplicate containing a statement that the corporation's authority to conduct business is revoked and the reasons for the revocation;

(2) File one of such certificates in the secretary of state's office;

(3) Mail the other duplicate certificate to such corporation at its registered office in this state or, if there is no registered office, to the corporation at the last known address of any officer or director of the corporation, as shown by the records of the secretary of state.

Upon the filing of such certificate of revocation, the authority of the corporation to transact business in this state shall cease. [1986 c 117 § 24; 1983 c 32 § 8; 1982 c 35 § 53; 1965 c 53 § 125.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**Construction—Application—Intent**—1983 c 32: See note following RCW 23A.28.127.

**Intent—Severability—Effective dates—Application**—1982 c 35: See notes following RCW 43.07.160.

**23A.32.173 Application for reinstatement after revocation.** (1) A corporation revoked under RCW 23A.32.170 may apply to the secretary of state for reinstatement within two years after the effective date of revocation. An application filed within such two-year period may be amended or supplemented and any such amendment or supplement shall be effective as of the date of original filing. The application filed under this section shall be filed under and by authority of an officer of the corporation.

(2) The application shall:



(a) State the name of the corporation and, if applicable, the name the corporation had elected to use in this state at the time of revocation, and the effective date of its revocation;

(b) Provide an explanation to show that the grounds for revocation either did not exist or have been eliminated;

(c) State the name of the corporation at the time of reinstatement and, if applicable, the name the corporation elects to use in this state at the time of reinstatement, which may be reserved under RCW 23A.08.060;

(d) Appoint a registered agent and state the registered office address under RCW 23A.32.080; and

(e) Be accompanied by payment of applicable fees and penalties.

(3) If the secretary of state determines that the application conforms to law and that all applicable fees have been paid, the secretary of state shall cancel the certificate of revocation, prepare and file a certificate of reinstatement, and mail a copy of the certificate of reinstatement to the corporation.

(4) Reinstatement under this section relates back to and takes effect as of the date of revocation. The corporate authority shall be deemed to have continued without interruption from that date.

(5) In the event the application for reinstatement states a corporate name that the secretary of state finds to be contrary to the requirements of RCW 23A.32.030, the application, amended application, or supplemental application shall be amended to adopt another corporate name that is in compliance with RCW 23A.32.030. In the event the reinstatement application so adopts a new corporate name for use in Washington, the application for authority shall be deemed to have been amended to change the corporation's name to the name so adopted for use in Washington, effective as of the effective date of the certificate of reinstatement. [1986 c 117 § 20.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

#### **23A.32.176 Application for reinstatement—Fees.**

(1) An application processing fee of fifty dollars shall be charged for an application for reinstatement under RCW 23A.32.173.

(2) An application processing fee of twenty-five dollars shall be charged for each amendment or supplement to an application for reinstatement.

(3) The corporation seeking reinstatement shall pay the full amount of all annual corporation license fees that would have been assessed for the license years of the period of administrative revocation had the corporation been in active status, plus a surcharge of twenty-five percent, and the license fee for the year of reinstatement.

(4) The charges in this section shall be in lieu of any other penalties or interest that could have been assessed by the secretary of state under the corporation laws or that, under those laws, would have accrued during any period of delinquency or revocation. [1986 c 117 § 21.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

## **Chapter 23A.40**

### **FEES AND CHARGES**

#### **Sections**

23A.40.020 Fees for filing documents and issuing certificates.

**23A.40.020 Fees for filing documents and issuing certificates.** The secretary of state shall charge and collect for:

(1) Filing articles of amendment or supplemental articles and issuing a certificate of amendment, twenty-five dollars;

(2) Filing restated articles of incorporation, twenty-five dollars;

(3) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, twenty-five dollars;

(4) Filing an application to reserve a corporate name, ten dollars;

(5) Filing a notice of transfer of a reserved corporate name, five dollars;

(6) Filing a statement of change of address of registered office, revocation, resignation, change of registered agent, affidavit of nonappointment, or any combination of these, five dollars. A separate fee for filing such statement shall not be charged if the statement appears in an amendment to the articles of incorporation or in conjunction with the filing of the annual report;

(7) Filing a statement of the establishment of a series of shares, ten dollars;

(8) Filing a statement of cancellation of shares, ten dollars;

(9) Filing a statement of intent to dissolve, no fee;

(10) Filing a statement of revocation of voluntary dissolution proceedings, no fee;

(11) Filing articles of dissolution, no fee;

(12) Filing an application of a foreign corporation for an amended certificate of authority to transact business in this state and issuing an amended certificate of authority, twenty-five dollars;

(13) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, no fee;

(14) Filing an annual report, five dollars, but a separate fee for filing such report shall not be charged for an annual report filed in conjunction with and part of the same forms or billing for the annual license renewal;

(15) Filing any other statement or report, ten dollars;

(16) Such other filings as are provided for by this title. [1986 c 117 § 25; 1984 c 75 § 21; 1982 c 35 § 58; 1981 c 230 § 3; 1980 c 99 § 13; 1971 ex.s. c 133 § 3; 1969 ex.s. c 83 § 3; 1967 c 190 § 7; 1965 c 53 § 135.]

**Severability**—1986 c 117: See note following RCW 23A.04.010.

**Intent**—**Severability**—**Effective dates**—**Application**—1982 c 35: See notes following RCW 43.07.160.

**Effective date**—1980 c 99: See note following RCW 23A.40.032.

## Title 24

CORPORATIONS AND ASSOCIATIONS  
(NONPROFIT)

## Chapters

## 24.03 Washington nonprofit corporation act.

## Chapter 24.03

## WASHINGTON NONPROFIT CORPORATION ACT

## Sections

24.03.005	Definitions.
24.03.015	Purposes.
24.03.020	Incorporators.
24.03.030	Limitations.
24.03.035	General powers.
24.03.038	Repealed.
24.03.045	Corporate name.
24.03.047	Registration of corporate name.
24.03.048	Renewal of registration of corporate name.
24.03.050	Registered office and registered agent.
24.03.055	Change of registered office or registered agent.
24.03.060	Service of process on corporation.
24.03.065	Members.
24.03.070	Bylaws.
24.03.075	Meetings of members.
24.03.100	Number and election or appointment of directors.
24.03.103	Removal of directors.
24.03.105	Vacancies.
24.03.110	Quorum of directors.
24.03.113	Assent presumed—Procedures for dissent or abstention.
24.03.115	Committees.
24.03.120	Place and notice of directors' meetings.
24.03.125	Officers.
24.03.127	Duties of a director.
24.03.135	Records.
24.03.150	Effect of filing the articles of incorporation.
24.03.155	Organization meetings.
24.03.165	Procedure to amend articles of incorporation.
24.03.180	Effect of filing of articles of amendment.
24.03.183	Restated articles of incorporation.
24.03.185	Procedure for merger.
24.03.190	Procedure for consolidation.
24.03.195	Approval of merger or consolidation.
24.03.200	Articles of merger or consolidation.
24.03.205	Merger or consolidation—When effective.
24.03.207	Merger or consolidation of domestic and foreign corporation.
24.03.215	Sale, lease, exchange, or other disposition of assets not in the ordinary course of business.
24.03.217	Sale, lease, exchange, or disposition of assets in course of business—Mortgage and pledge of assets.
24.03.220	Voluntary dissolution.
24.03.265	Jurisdiction of court to liquidate assets and affairs of corporation.
24.03.295	Filing of decree of dissolution.
24.03.300	Survival of remedy after dissolution—Extension of duration of corporation.
24.03.302	Administrative dissolution—Grounds—Notice—Reinstatement—Corporate name—Survival of actions.
24.03.305	Admission of foreign corporation.
24.03.320	Change of name by foreign corporation.
24.03.325	Application for certificate of authority.
24.03.330	Filing of application for certificate of authority.
24.03.345	Change of registered office or registered agent of foreign corporation.
24.03.350	Service on foreign corporation.
24.03.355	Repealed.

24.03.360	Merger of foreign corporation authorized to conduct affairs in this state.
24.03.380	Revocation of certificate of authority—Notice.
24.03.385	Issuance of certificate of revocation.
24.03.386	Foreign corporations—Application for reinstatement.
24.03.388	Foreign corporations—Fees for application for reinstatement.
24.03.390	Conducting affairs without certificate of authority.
24.03.395	Annual report of domestic and foreign corporations.
24.03.400	Filing of annual report of domestic and foreign corporations—Notice.
24.03.405	Fees for filing documents and issuing certificates.
24.03.445	Appeal from disapproval of secretary of state.

**24.03.005 Definitions.** As used in this chapter, unless the context otherwise requires, the term:

(1) "Corporation" or "domestic corporation" means a corporation not for profit subject to the provisions of this chapter, except a foreign corporation.

(2) "Foreign corporation" means a corporation not for profit organized under laws other than the laws of this state.

(3) "Not for profit corporation" or "nonprofit corporation" means a corporation no part of the income of which is distributable to its members, directors or officers.

(4) "Articles of incorporation" and "articles" mean the original articles of incorporation and all amendments thereto, and includes articles of merger and restated articles.

(5) "Bylaws" means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.

(6) "Member" means an individual or entity having membership rights in a corporation in accordance with the provisions of its articles or incorporation or bylaws.

(7) "Board of directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which such group is designated in the articles or bylaws.

(8) "Insolvent" means inability of a corporation to pay debts as they become due in the usual course of its affairs.

(9) "Duplicate originals" means two copies, original or otherwise, each with original signatures, or one original with original signatures and one copy thereof.

(10) "Conforms to law" as used in connection with duties of the secretary of state in reviewing documents for filing under this chapter, means the secretary of state has determined that the document complies as to form with the applicable requirements of this chapter.

(11) "Effective date" means, in connection with a document filing made by the secretary of state, the date which is shown by affixing a "filed" stamp on the documents. When a document is received for filing by the secretary of state in a form which complies with the requirements of this chapter and which would entitle the document to be filed immediately upon receipt, but the secretary of state's approval action occurs subsequent to the date of receipt, the secretary of state's filing date shall relate back to the date on which the secretary of state first received the document in acceptable form. An applicant may request a specific effective date no more

than thirty days later than the receipt date which might otherwise be applied as the effective date.

(12) "Executed by an officer of the corporation," or words of similar import, means that any document signed by such person shall be and is signed by that person under penalties of perjury and in an official and authorized capacity on behalf of the corporation or person making the document submission with the secretary of state.

(13) "An officer of the corporation" means, in connection with the execution of documents submitted for filing with the secretary of state, the president, a vice president, the secretary, or the treasurer of the corporation. [1986 c 240 § 1; 1982 c 35 § 72; 1967 c 235 § 2.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.015 Purposes.** Corporations may be organized under this chapter for any lawful purpose or purposes, including, without being limited to, any one or more of the following purposes: Charitable; benevolent; eleemosynary; educational; civic; patriotic; political; religious; social; fraternal; literary; cultural; athletic; scientific; agricultural; horticultural; animal husbandry; and professional, commercial, industrial or trade association; but labor unions, cooperative organizations, and organizations subject to any of the provisions of the banking or insurance laws of this state may not be organized under this chapter: *Provided*, That any not for profit corporation heretofore organized under any act hereby repealed and existing for the purpose of providing health care services as defined in RCW 48.44.010(1) or 48.46.020(1), as now or hereafter amended, shall continue to be organized under this chapter. [1986 c 240 § 2; 1983 c 106 § 22; 1967 c 235 § 4.]

**Repealer—Savings—1967 c 235:** See RCW 24.03.920, 24.03.905.

*Agricultural cooperatives: Chapter 24.32 RCW.*

*Fish marketing act: Chapter 24.36 RCW.*

*Granges: Chapter 24.28 RCW.*

*Insurance: Title 48 RCW.*

*Labor unions: Chapter 49.36 RCW.*

**24.03.020 Incorporators.** One or more persons of the age of eighteen years or more, or a domestic or foreign, profit or nonprofit, corporation, may act as incorporator or incorporators of a corporation by signing and delivering to the secretary of state articles of incorporation for such corporation. [1986 c 240 § 3; 1982 c 35 § 74; 1967 c 235 § 5.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.030 Limitations.** A corporation subject to this chapter:

- (1) Shall not have or issue shares of stock;
- (2) Shall not make any disbursement of income to its members, directors or officers;
- (3) Shall not loan money or credit to its officers or directors;

(4) May pay compensation in a reasonable amount to its members, directors or officers for services rendered;

(5) May confer benefits upon its members in conformity with its purposes; and

(6) Upon dissolution or final liquidation may make distributions to its members as permitted by this chapter, and no such payment, benefit or distribution shall be deemed to be a dividend or a distribution of income. [1986 c 240 § 4; 1967 c 235 § 7.]

**24.03.035 General powers.** Each corporation shall have power:

(1) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation.

(2) To sue and be sued, complain and defend, in its corporate name.

(3) To have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

(4) To purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, wherever situated.

(5) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(6) To lend money or credit to its employees other than its officers and directors.

(7) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, whether for profit or not for profit, associations, partnerships or individuals, or direct or indirect obligations of the United States, or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof.

(8) To make contracts and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises and income.

(9) To lend money for its corporate purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(10) To conduct its affairs, carry on its operations, and have offices and exercise the powers granted by this chapter in any state, territory, district, or possession of the United States, or in any foreign country.

(11) To elect or appoint officers and agents of the corporation, and define their duties and fix their compensation.

(12) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for the administration and regulation of the affairs of the corporation.

(13) Unless otherwise provided in the articles of incorporation, to make donations for the public welfare or for charitable, scientific or educational purposes; and in time of war to make donations in aid of war activities.

(14) To indemnify any director or officer or former director or officer or other person in the manner and to the extent provided in RCW 23A.08.025, as now existing or hereafter amended.

(15) To make guarantees respecting the contracts, securities, or obligations of any person (including, but not limited to, any member, any affiliated or unaffiliated individual, domestic or foreign, profit or not for profit, corporation, partnership, association, joint venture or trust) if such guarantee may reasonably be expected to benefit, directly or indirectly, the guarantor corporation. As to the enforceability of the guarantee, the decision of the board of directors that the guarantee may be reasonably expected to benefit, directly or indirectly, the guarantor corporation shall be binding in respect to the issue of benefit to the guarantor corporation.

(16) To pay pensions and establish pension plans, pension trusts, and other benefit plans for any or all of its directors, officers, and employees.

(17) To be a promoter, partner, member, associate or manager of any partnership, joint venture, trust or other enterprise.

(18) To be a trustee of a charitable trust, to administer a charitable trust and to act as executor in relation to any charitable bequest or devise to the corporation. This subsection shall not be construed as conferring authority to engage in the general business of trusts nor in the business of trust banking.

(19) To cease its corporate activities and surrender its corporate franchise.

(20) To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized. [1986 c 240 § 5; 1967 c 235 § 8.]

*Unauthorized assumption of corporate power: RCW 24.03.470.*

**24.03.038 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**24.03.045 Corporate name.** The corporate name:

(1) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation.

(2) Shall not be the same as, or deceptively similar to, the name of any corporation, whether for profit or not for profit, existing under any act of this state, or any foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this state, or a limited partnership existing under chapter 25.10 RCW, or a corporate name reserved or registered as permitted by the laws of this state. This subsection shall not apply if the applicant files with the secretary of state either of the following: (a) The written consent of the other corporation, partnership, or holder of a reserved name to use the same or deceptively similar name and one or more words are added or deleted to make the

name distinguishable from the other name as determined by the secretary of state, or (b) a certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of the name in this state.

(3) Shall be transliterated into letters of the English alphabet, if it is not in English.

(4) Shall not include or end with "incorporated," "company," "corporation," "partnership," "limited partnership," or "Ltd.," or any abbreviation thereof, but may use "club," "league," "association," "services," "committee," "fund," "society," "foundation," "-----," a nonprofit corporation," or any name of like import. [1986 c 240 § 6; 1982 c 35 § 76; 1967 c 235 § 10.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

*Corporate name of foreign corporation: RCW 24.03.315.*

**24.03.047 Registration of corporate name.** Any corporation, organized and existing under the laws of any state or territory of the United States may register its corporate name under this title, provided its corporate name is not the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state, or the name of any foreign corporation authorized to transact business in this state, or any corporate name reserved or registered under this title.

Such registration shall be made by:

(1) Filing with the secretary of state: (a) An application for registration executed by the corporation by an officer thereof, setting forth the name of the corporation, the state or territory under the laws of which it is incorporated, the date of its incorporation, a statement that it is carrying on or doing business, and a brief statement of the business in which it is engaged, and (b) a certificate setting forth that such corporation is in good standing under the laws of the state or territory wherein it is organized, executed by the secretary of state of such state or territory or by such other official as may have custody of the records pertaining to corporations, and

(2) Paying to the secretary of state the applicable registration fee.

The registration shall be effective until the close of the calendar year in which the application for registration is filed. [1986 c 240 § 7; 1982 c 35 § 78.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.048 Renewal of registration of corporate name.** A corporation which has in effect a registration of its corporate name, may renew such registration from year to year by annually filing an application for renewal setting forth the facts required to be set forth in an original application for registration and a certificate of good standing as required for the original registration and by paying the applicable fee. A renewal application may be filed between the first day of October and the thirty-first day of December in each year, and shall extend the registration for the following calendar year. [1986 c 240 § 8; 1982 c 35 § 79.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.050 Registered office and registered agent.** Each corporation shall have and continuously maintain in this state:

(1) A registered office which may be, but need not be, the same as its principal office. The registered office shall be at a specific geographic location in this state, and be identified by number, if any, and street, or building address or rural route, or, if a commonly known street or rural route address does not exist, by legal description. A registered office may not be identified by post office box number or other nongeographic address. For purposes of communicating by mail, the secretary of state may permit the use of a post office address in conjunction with the registered office address if the corporation also maintains on file the specific geographic address of the registered office where personal service of process may be made.

(2) A registered agent, which agent may be either an individual resident in this state whose business office is identical with such registered office, or a domestic corporation, whether for profit or not for profit, or a foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this state, having an office identical with such registered office. A registered agent shall not be appointed without having given prior written consent to the appointment. The written consent shall be filed with the secretary of state in such form as the secretary may prescribe. The written consent shall be filed with or as a part of the document first appointing a registered agent. In the event any individual or corporation has been appointed agent without consent, that person or corporation may file a notarized statement attesting to that fact, and the name shall forthwith be removed from the records of the secretary of state.

No Washington corporation or foreign corporation authorized to conduct affairs in this state may be permitted to maintain any action in any court in this state until the corporation complies with the requirements of this section. [1986 c 240 § 9; 1982 c 35 § 80; 1969 ex.s. c 163 § 1; 1967 c 235 § 11.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.055 Change of registered office or registered agent.** A corporation may change its registered office or change its registered agent, or both, upon filing in the office of the secretary of state in the form prescribed by the secretary of state a statement setting forth:

- (1) The name of the corporation.
- (2) If the address of its registered office is to be changed, the address to which the registered office is to be changed.
- (3) If its registered agent is to be changed, the name of its successor registered agent.
- (4) That the address of its registered office and the address of the office of its registered agent, as changed, will be identical.

(5) That such change was authorized by resolution duly adopted by its board of directors.

Such statement shall be executed by the corporation by an officer of the corporation, and delivered to the secretary of state, together with a written consent of the registered agent to his or its appointment, if applicable. If the secretary of state finds that such statement conforms to the provisions of this chapter, the secretary of state shall endorse thereon the word "Filed," and the month, day, and year of the filing thereof, and file the statement. The change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective upon filing unless a later date is specified.

Any registered agent of a corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the secretary of state, who shall forthwith mail a copy thereof to the corporation in care of an officer, who is not the resigning registered agent, at the address of such officer as shown by the most recent annual report of the corporation. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

If a registered agent changes the agent's business address to another place within the state, the agent may change such address and the address of the registered office of any corporation of which the agent is a registered agent, by filing a statement as required by this section except that it need be signed only by the registered agent, it need not be responsive to subsection (3) or (5) of this section, and it must recite that a copy of the statement has been mailed to the secretary of the corporation. [1986 c 240 § 10; 1982 c 35 § 81; 1967 c 235 § 12.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.060 Service of process on corporation.** The registered agent so appointed by a corporation shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

Whenever a corporation shall fail to appoint or maintain a registered agent in this state, or whenever its registered agent cannot with reasonable diligence be found at the registered office, then the secretary of state shall be an agent of such corporation upon whom any such process, notice, or demand may be served. Service on the secretary of state of any such process, notice, or demand shall be made by delivering to and leaving with the secretary of state, or with any duly authorized clerk of the corporation department of the secretary of state's office, duplicate copies of such process, notice or demand. In the event any such process, notice or demand is served on the secretary of state, the secretary of state shall immediately cause one of the copies thereof to be forwarded by certified mail, addressed to the secretary of the corporation as shown on the records of the secretary of state. Any service so had on the secretary of state shall be returnable in not less than thirty days.

The secretary of state shall keep a record of all processes, notices and demands served upon the secretary of state under this section, and shall record therein the time of such service and the secretary of state's action with reference thereto.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law. [1986 c 240 § 11; 1982 c 35 § 82; 1967 c 235 § 13.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.065 Members.** A corporation may have one or more classes of members or may have no members. If the corporation has one or more classes of members, the designation of such class or classes, the manner of election or appointment and the qualifications and rights of the members of each class shall be set forth in the articles of incorporation or the bylaws. Unless otherwise specified in the articles of incorporation or the bylaws, an individual, domestic or foreign profit or nonprofit corporation, a general or limited partnership, an association or other entity may be a member of a corporation. If the corporation has no members, that fact shall be set forth in the articles of incorporation or the bylaws. A corporation may issue certificates evidencing membership therein. [1986 c 240 § 12; 1967 c 235 § 14.]

**24.03.070 Bylaws.** The initial bylaws of a corporation shall be adopted by its board of directors. The power to alter, amend or repeal the bylaws or adopt new bylaws shall be vested in the board of directors unless otherwise provided in the articles of incorporation or the bylaws. The bylaws may contain any provisions for the regulation and management of the affairs of a corporation not inconsistent with law or the articles of incorporation. The board may adopt emergency bylaws in the manner provided by RCW 23A.08.240. [1986 c 240 § 13; 1967 c 235 § 15.]

**24.03.075 Meetings of members.** Meetings of members may be held at such place, either within or without this state, as may be stated in or fixed in accordance with the bylaws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation in this state.

An annual meeting of the members shall be held at such time as may be stated in or fixed in accordance with the bylaws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation.

Special meetings of the members may be called by the president or by the board of directors. Special meetings of the members may also be called by such other officers or persons or number or proportion of members as may be provided in the articles of incorporation or the bylaws. In the absence of a provision fixing the number or proportion of members entitled to call a meeting, a special meeting of members may be called by members

having one-twentieth of the votes entitled to be cast at such meeting.

Except as may be otherwise restricted by the articles of incorporation or the bylaws, members of the corporation may participate in a meeting of members by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time and participation by such means shall constitute presence in person at a meeting. [1986 c 240 § 14; 1967 c 235 § 16.]

**24.03.100 Number and election or appointment of directors.** The board of directors of a corporation shall consist of one or more individuals. The number of directors shall be fixed by or in the manner provided in the articles of incorporation or the bylaws, except as to the number constituting the initial board of directors, which number shall be fixed by the articles of incorporation. The number of directors may be increased or decreased from time to time by amendment to or in the manner provided in the articles of incorporation or the bylaws, but a decrease shall not have the effect of shortening the term of any incumbent director. In the absence of a bylaw providing for the number of directors, the number shall be the same as that provided for in the articles of incorporation. The names and addresses of the members of the first board of directors shall be stated in the articles of incorporation. Such persons shall hold office until the first annual election of directors or for such other period as may be specified in the articles of incorporation or the bylaws. Thereafter, directors shall be elected or appointed in the manner and for the terms provided in the articles of incorporation or the bylaws. Directors may be divided into classes and the terms of office and manner of election or appointment need not be uniform. Each director shall hold office for the term for which the director is elected or appointed and until the director's successor shall have been selected and qualified. [1986 c 240 § 15; 1967 c 235 § 21.]

**24.03.103 Removal of directors.** The bylaws or articles of incorporation may contain a procedure for removal of directors. If the articles of incorporation or bylaws provide for the election of any director or directors by members, then in the absence of any provision regarding removal of directors:

(1) Any director elected by members may be removed, with or without cause, by two-thirds of the votes cast by members having voting rights with regard to the election of any director, represented in person or by proxy at a meeting of members at which a quorum is present;

(2) In the case of a corporation having cumulative voting, if less than the entire board is to be removed, no one of the directors may be removed if the votes cast against that director's removal would be sufficient to elect that director if then cumulatively voted at an election of the entire board of directors, or, if there be classes of directors, at an election of the class of directors of which he or she is a part; and

(3) Whenever the members of any class are entitled to elect one or more directors by the provisions of the articles of incorporation, the provisions of this section shall apply, in respect to the removal of a director or directors so elected, to the vote of the members of that class and not to the vote of the members as a whole. [1986 c 240 § 16.]

**24.03.105 Vacancies.** Any vacancy occurring in the board of directors and any directorship to be filled by reason of an increase in the number of directors may be filled by the affirmative vote of a majority of the remaining board of directors even though less than a quorum is present unless the articles of incorporation or the bylaws provide that a vacancy or directorship so created shall be filled in some other manner, in which case such provision shall control. A director elected or appointed, as the case may be, to fill a vacancy shall be elected or appointed for the unexpired term of his predecessor in office. [1986 c 240 § 17; 1967 c 235 § 22.]

**24.03.110 Quorum of directors.** A majority of the number of directors fixed by, or in the manner provided in the bylaws, or in the absence of a bylaw fixing or providing for the number of directors, then of the number fixed by or in the manner provided in the articles of incorporation, shall constitute a quorum for the transaction of business, unless otherwise provided in the articles of incorporation or the bylaws; but in no event shall a quorum consist of less than one-third of the number of directors so fixed or stated. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by this chapter, the articles of incorporation or the bylaws. [1986 c 240 § 18; 1967 c 235 § 23.]

*Greater voting requirements: RCW 24.03.455.*

**24.03.113 Assent presumed—Procedures for dissent or abstention.** A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless the director's dissent or abstention shall be entered in the minutes of the meeting or unless the director shall file his or her written dissent or abstention to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent or abstention by registered mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent or abstain shall not apply to a director who voted in favor of such action. [1986 c 240 § 19.]

**24.03.115 Committees.** If the articles of incorporation or the bylaws so provide, the board of directors, by resolution adopted by a majority of the directors in office, may designate and appoint one or more committees each of which shall consist of two or more directors, which committees, to the extent provided in such resolution, in the articles of incorporation or in the bylaws of

the corporation, shall have and exercise the authority of the board of directors in the management of the corporation: *Provided*, That no such committee shall have the authority of the board of directors in reference to amending, altering or repealing the bylaws; electing, appointing or removing any member of any such committee or any director or officer of the corporation; amending the articles of incorporation; adopting a plan of merger or adopting a plan of consolidation with another corporation; authorizing the sale, lease, or exchange of all or substantially all of the property and assets of the corporation not in the ordinary course of business; authorizing the voluntary dissolution of the corporation or revoking proceedings therefor; adopting a plan for the distribution of the assets of the corporation; or amending, altering or repealing any resolution of the board of directors which by its terms provides that it shall not be amended, altered or repealed by such committee. The designation and appointment of any such committee and the delegation thereto of authority shall not operate to relieve the board of directors, or any individual director of any responsibility imposed upon it or him by law. [1986 c 240 § 20; 1967 c 235 § 24.]

**24.03.120 Place and notice of directors' meetings.** Meetings of the board of directors, regular or special, may be held either within or without this state.

Regular meetings of the board of directors or of any committee designated by the board of directors may be held with or without notice as prescribed in the bylaws. Special meeting of the board of directors or any committee designated by the board of directors shall be held upon such notice as is prescribed in the bylaws. Attendance of a director or a committee member at a meeting shall constitute a waiver of notice of such meeting, except where a director or a committee member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors or any committee designated by the board of directors need be specified in the notice or waiver of notice of such meeting unless required by the bylaws.

Except as may be otherwise restricted by the articles of incorporation or bylaws, members of the board of directors or any committee designated by the board of directors may participate in a meeting of such board or committee by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time and participation by such means shall constitute presence in person at a meeting. [1986 c 240 § 21; 1967 c 235 § 25.]

*Waiver of notice: RCW 24.03.460.*

**24.03.125 Officers.** The officers of a corporation shall consist of a president, one or more vice presidents, a secretary, and a treasurer, each of whom shall be elected or appointed at such time and in such manner and for such terms as may be prescribed in the articles

of incorporation or the bylaws. In the absence of any such provision, all officers shall be elected or appointed annually by the board of directors. If the articles or bylaws so provide, any two or more offices may be held by the same person, except the offices of president and secretary. Such other officers and assistant officers or agents as may be deemed necessary may be elected or appointed by the board of directors or chosen in such other manner as may be prescribed by the articles or bylaws.

The articles of incorporation or the bylaws may provide that any one or more officers of the corporation shall be ex officio members of the board of directors.

The officers of a corporation may be designated by such additional titles as may be provided in the articles of incorporation or the bylaws. [1986 c 240 § 22; 1967 c 235 § 26.]

**24.03.127 Duties of a director.** A director shall perform the duties of a director, including the duties as a member of any committee of the board upon which the director may serve, in good faith, in a manner such director believes to be in the best interests of the corporation, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

In performing the duties of a director, a director shall be entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, in each case prepared or presented by:

(1) One or more officers or employees of the corporation whom the director believes to be reliable and competent in the matter presented;

(2) Counsel, public accountants, or other persons as to matters which the director believes to be within such person's professional or expert competence; or

(3) A committee of the board upon which the director does not serve, duly designated in accordance with a provision in the articles of incorporation or bylaws, as to matters within its designated authority, which committee the director believes to merit confidence; so long as, in any such case, the director acts in good faith, after reasonable inquiry when the need therefor is indicated by the circumstances and without knowledge that would cause such reliance to be unwarranted. [1986 c 240 § 23.]

**24.03.135 Records.** Each corporation shall keep at its registered office, its principal office in this state, or at its secretary's office if in this state, the following:

(1) Current articles and bylaws;

(2) A record of members, including names, addresses, and classes of membership, if any;

(3) Correct and adequate records of accounts and finances;

(4) A record of officers' and directors' names and addresses;

(5) Minutes of the proceedings of the members, if any, the board, and any minutes which may be maintained by committees of the board. Records may be

written, or electronic if capable of being converted to writing.

The records shall be open at any reasonable time to inspection by any member of more than three months standing or a representative of more than five percent of the membership.

Cost of inspecting or copying shall be borne by such member except for costs for copies of articles or bylaws. Any such member must have a purpose for inspection reasonably related to membership interests. Use or sale of members' lists by such member if obtained by inspection is prohibited.

The superior court of the corporation's or such member's residence may order inspection and may appoint independent inspectors. Such member shall pay inspection costs unless the court orders otherwise. [1986 c 240 § 24; 1967 c 235 § 28.]

**24.03.150 Effect of filing the articles of incorporation.** Upon the filing of the articles of incorporation, the corporate existence shall begin, and the certificate of incorporation shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this chapter, except as against the state in a proceeding to cancel or revoke the certificate of incorporation or for involuntary or administrative dissolution. [1986 c 240 § 25; 1982 c 35 § 84; 1967 c 235 § 31.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.155 Organization meetings.** After the issuance of the certificate of incorporation an organization meeting of the board of directors named in the articles of incorporation shall be held, either within or without this state, at the call of a majority of the directors named in the articles of incorporation, for the purpose of adopting bylaws, electing officers and the transaction of such other business as may come before the meeting. The directors calling the meeting shall give at least three days' notice thereof by mail to each director so named, which notice shall state the time and place of the meeting. Any action permitted to be taken at the organization meeting of the directors may be taken without a meeting if each director signs an instrument stating the action so taken. [1986 c 240 § 26; 1967 c 235 § 32.]

**24.03.165 Procedure to amend articles of incorporation.** Amendments to the articles of incorporation shall be made in the following manner:

(1) Where there are members having voting rights, with regard to the question, the board of directors shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member entitled to vote at such meeting within the time and in the manner provided in this chapter for the giving



of notice of meetings of members. The proposed amendment shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) Where there are no members, or no members having voting rights, with regard to the question, an amendment shall be adopted at a meeting of the board of directors upon receiving the vote of a majority of the directors in office.

Any number of amendments may be submitted and voted upon at any one meeting. [1986 c 240 § 27; 1967 c 235 § 34.]

**24.03.180 Effect of filing of articles of amendment.**

Upon the filing of the articles of amendment by the secretary of state, or on such later date, not more than thirty days subsequent to the filing thereof by the secretary of state, as may be provided in the articles of amendment, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly.

No amendment shall affect any existing cause of action in favor of or against such corporation, or any pending action to which such corporation shall be a party, or the existing rights of persons other than members; and, in the event the corporate name shall be changed by amendment, no action brought by or against such corporation under its former name shall abate for that reason. [1986 c 240 § 28; 1982 c 35 § 87; 1967 c 235 § 37.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.183 Restated articles of incorporation.** A domestic corporation may at any time restate its articles of incorporation by a resolution adopted by the board of directors. A corporation may amend and restate in one resolution, but may not present the amendments and restatement for filing by the secretary in a single document. Separate articles of amendment, under RCW 24.03.165 and articles of restatement, under this section, must be presented notwithstanding the corporation's adoption of a single resolution of amendment and restatement.

Upon the adoption of the resolution, restated articles of incorporation shall be executed in duplicate by the corporation by one of its officers. The restated articles shall set forth all of the operative provisions of the articles of incorporation together with a statement that the restated articles of incorporation correctly set forth without change the provisions of the articles of incorporation as amended and that the restated articles of incorporation supersede the original articles of incorporation and all amendments thereto.

Duplicate originals of the restated articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the restated articles of incorporation conform to law, the secretary of state shall, when all fees required by this title have been paid:

(1) Endorse on each duplicate original the word "Filed" and the date of the filing thereof;

(2) File one duplicate original; and

(3) Issue a restated certificate of incorporation, to which the other duplicate original shall be affixed.

The restated certificate of incorporation, together with the duplicate original of the restated articles of incorporation affixed thereto by the secretary of state, shall be returned to the corporation or its representative.

Upon the filing of the restated articles of incorporation by the secretary of state, the restated articles of incorporation shall become effective and shall supersede the original articles of incorporation and all amendments thereto. [1986 c 240 § 29; 1982 c 35 § 88.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.185 Procedure for merger.** Any two or more domestic corporations subject to this chapter may merge into one of such corporations pursuant to a plan of merger approved in the manner provided in this chapter.

Each corporation shall adopt a plan of merger setting forth:

(1) The names of the corporations proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation.

(2) The terms and conditions of the proposed merger.

(3) A statement of any changes in the articles of incorporation of the surviving corporation to be effected by such merger.

(4) Such other provisions with respect to the proposed merger as are deemed necessary or desirable. [1986 c 240 § 30; 1967 c 235 § 38.]

**24.03.190 Procedure for consolidation.** Any two or more domestic corporations subject to this chapter may consolidate into a new corporation pursuant to a plan of consolidation approved in the manner provided in this chapter.

Each corporation shall adopt a plan of consolidation setting forth:

(1) The names of the corporations proposing to consolidate, and the name of the new corporation into which they propose to consolidate, which is hereinafter designated as the new corporation.

(2) The terms and conditions of the proposed consolidation.

(3) With respect to the new corporation, all of the statements required to be set forth in articles of incorporation for corporations organized under this chapter.

(4) Such other provisions with respect to the proposed consolidation as are deemed necessary or desirable. [1986 c 240 § 31; 1967 c 235 § 39.]

**24.03.195 Approval of merger or consolidation.** A plan of merger or consolidation shall be adopted in the following manner:

(1) Where the members of any merging or consolidating corporation have voting rights with regard to the question, the board of directors of such corporation shall adopt a resolution approving the proposed plan and directing that it be submitted to a vote at a meeting of

members having voting rights, which may be either an annual or a special meeting. Written or printed notice setting forth the proposed plan or a summary thereof shall be given to each member entitled to vote at such meeting within the time and in the manner provided in this chapter for the giving of notice of meetings of members. The proposed plan shall be adopted upon receiving at least two-thirds of the votes which members present at each such meeting or represented by proxy are entitled to cast.

(2) Where any merging or consolidating corporation has no members, or no members having voting rights with regard to the question, a plan of merger or consolidation shall be adopted at a meeting of the board of directors of such corporation upon receiving the vote of a majority of the directors in office.

After such approval, and at any time prior to the filing of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or consolidation. [1986 c 240 § 32; 1967 c 235 § 40.]

**24.03.200 Articles of merger or consolidation.** (1) Upon such approval, articles of merger or articles of consolidation shall be executed in duplicate by each corporation by an officer of each corporation, and shall set forth:

(a) The plan of merger or the plan of consolidation;

(b) Where the members of any merging or consolidating corporation have voting rights, then as to each such corporation (i) a statement setting forth the date of the meeting of members at which the plan was adopted, that a quorum was present at such meeting, and that such plan received at least two-thirds of the votes which members present at such meeting or represented by proxy were entitled to cast, or (ii) a statement that such amendment was adopted by a consent in writing signed by all members entitled to vote with respect thereto;

(c) Where any merging or consolidating corporation has no members, or no members having voting rights, then as to each such corporation a statement of such fact, the date of the meeting of the board of directors at which the plan was adopted and a statement of the fact that such plan received the vote of a majority of the directors in office.

(2) Duplicate originals of the articles of merger or articles of consolidation shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, the secretary of state shall, when all fees have been paid as in this chapter prescribed:

(a) Endorse on each of such duplicate originals the word "Filed," and the date of the filing thereof;

(b) File one of such duplicate originals; and

(c) Issue a certificate of merger or a certificate of consolidation to which the other duplicate original shall be affixed.

The certificate of merger or certificate of consolidation, together with the duplicate original of the articles of merger or articles of consolidation affixed thereto by the secretary of state, shall be returned to the surviving

or new corporation, as the case may be, or its representative. [1986 c 240 § 33; 1982 c 35 § 89; 1967 c 235 § 41.]

~~Intent—Severability—Effective dates—Application—1982 c 35: See notes following RCW 43.07.160.~~

**24.03.205 Merger or consolidation—When effective.** A merger or consolidation shall become effective upon the filing of the articles of merger or articles of consolidation with the secretary of state, or on such later date, not more than thirty days after the filing thereof with the secretary of state, as shall be provided for in the plan. [1986 c 240 § 34; 1982 c 35 § 90; 1967 c 235 § 42.]

~~Intent—Severability—Effective dates—Application—1982 c 35: See notes following RCW 43.07.160.~~

**24.03.207 Merger or consolidation of domestic and foreign corporation.** One or more foreign corporations and one or more domestic corporations may be merged or consolidated in the following manner, if such merger or consolidation is permitted by the laws of the state under which each such foreign corporation is organized:

(1) Each domestic corporation shall comply with the provisions of this title with respect to the merger or consolidation as the case may be, of domestic corporations and each foreign corporation shall comply with the applicable provisions of the laws of the state under which it is organized.

(2) If the surviving or new corporation in a merger or consolidation is to be governed by the laws of any state other than this state, it shall comply with the provisions of this title with respect to foreign corporations if it is to transact business in this state, and in every case it shall file with the secretary of state of this state:

(a) An agreement that it may be served with process in this state in any proceeding for the enforcement of any obligation of any domestic corporation which is a party to the merger or consolidation and in any proceeding for the enforcement of the rights, if any, of a member of any such domestic corporation against the surviving or new corporation; and

(b) An irrevocable appointment of the secretary of state of this state as its agent to accept service of process in any such proceeding.

The effect of the merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations, if the surviving or new corporation is to be governed by the laws of this state. If the surviving or new corporation is to be governed by the laws of any state other than this state, the effect of the merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations except as the laws of the other state provide otherwise.

(3) At any time prior to the effective date of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provision therefor, if any, set forth in the plan of merger or consolidation. In the event the merger or consolidation is abandoned, the parties thereto shall execute a notice of abandonment in

triplicate signed by an officer for each corporation signing the notice. If the secretary of state finds the notice conforms to law, the secretary of state shall:

(a) Endorse on each of the originals the word "Filed" and the date of the filing;

(b) File one of the triplicate originals in the secretary of state's office; and

(c) Issue the other triplicate originals to the respective parties or their representatives. [1986 c 240 § 35; 1982 c 35 § 91.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.215 Sale, lease, exchange, or other disposition of assets not in the ordinary course of business.** A sale, lease, exchange, or other disposition of all, or substantially all, the property and assets of a corporation, if not in the ordinary course of business, may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares of any corporation for profit, domestic or foreign, as may be authorized in the following manner:

(1) Where there are members having voting rights with regard to the question, the board of directors shall adopt a resolution recommending such sale, lease, exchange, or other disposition and directing that it be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice stating that the purpose, or one of the purposes, of such meeting is to consider the sale, lease, exchange, or other disposition of all, or substantially all, the property and assets of the corporation shall be given to each member entitled to vote at such meeting, within the time and in the manner provided by this chapter for the giving of notice of meetings of members. At such meeting the members may authorize such sale, lease, exchange, or other disposition and may fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization shall require at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast. After such authorization by a vote of members, the board of directors, nevertheless, in its discretion, may abandon such sale, lease, exchange, or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action or approval by members.

(2) Where there are no members, or no members having voting rights with regard to the question, a sale, lease, exchange, or other disposition of all, or substantially all, the property and assets of a corporation shall be authorized upon receiving the vote of a majority of the directors in office. [1986 c 240 § 36; 1967 c 235 § 44.]

**24.03.217 Sale, lease, exchange, or disposition of assets in course of business—Mortgage and pledge of assets.** The sale, lease, exchange or other disposition of

all, or substantially all, the property and assets of a corporation in the usual and regular course of its business and the mortgage or pledge of any or all property and assets of a corporation whether or not in the usual course of business may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares, obligations, or other securities of any other corporation, domestic or foreign, as shall be authorized by its board of directors. In any such case, no other authorization or consent of any member shall be required. [1986 c 240 § 37.]

**24.03.220 Voluntary dissolution.** A corporation may dissolve and wind up its affairs in the following manner:

(1) Where there are members having voting rights with regard to the question, the board of directors shall adopt a resolution recommending that the corporation be dissolved, and directing that the question of such dissolution be submitted to a vote at a meeting of members having such voting rights, which may be either an annual or a special meeting. Written or printed notice stating that the purpose, or one of the purposes, of such meeting is to consider the advisability of dissolving the corporation, shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this chapter for the giving of notice of meetings of members. A resolution to dissolve the corporation shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) Where there are no members, or no members having voting rights with regard to the question, the dissolution of the corporation shall be authorized at a meeting of the board of directors upon the adoption of a resolution to dissolve by the vote of a majority of the directors in office.

Upon the adoption of such resolution by the members, or by the board of directors where there are no members or no members having voting rights, the corporation shall cease to conduct its affairs except in so far as may be necessary for the winding up thereof, shall immediately cause a notice of the proposed dissolution to be mailed to each known creditor of the corporation, to the attorney general with respect to assets subject to RCW 24.03.225(3), and to the department of revenue, and shall proceed to collect its assets and apply and distribute them as provided in this chapter. [1986 c 240 § 38; 1982 c 35 § 92; 1967 c 235 § 45.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.265 Jurisdiction of court to liquidate assets and affairs of corporation.** Superior courts shall have full power to liquidate the assets and affairs of a corporation:

(1) In an action by a member, director, or the attorney general when it is made to appear:

(a) That the directors are deadlocked in the management of the corporate affairs and that irreparable injury to the corporation is being suffered or is threatened by

reason thereof, and either that the members are unable to break the deadlock or there are no members having voting rights; or

(b) That the acts of the directors or those in control of the corporation are illegal, oppressive or fraudulent; or

(c) That the corporate assets are being misapplied or wasted; or

(d) That the corporation is unable to carry out its purposes.

(2) In an action by a creditor:

(a) When the claim of the creditor has been reduced to judgment and an execution thereon has been returned unsatisfied and it is established that the corporation is insolvent; or

(b) When the corporation has admitted in writing that the claim of the creditor is due and owing and it is established that the corporation is insolvent.

(3) Upon application by a corporation to have its dissolution continued under the supervision of the court.

(4) When an action has been filed by the attorney general to dissolve a corporation under the provisions of this chapter and it is established that liquidation of its affairs should precede the entry of a decree of dissolution.

Proceedings under subsections (1), (2), or (3) of this section shall be brought in the county in which the registered office or the principal office of the corporation is situated.

It shall not be necessary to make directors or members parties to any such action or proceedings unless relief is sought against them personally. [1986 c 240 § 39; 1967 c 235 § 54.]

**24.03.295 Filing of decree of dissolution.** In case the court shall enter a decree dissolving a corporation, it shall be the duty of the clerk of such court to cause a certified copy of the decree to be filed with the secretary of state. No fee shall be charged by the clerk for issuance or by the secretary of state for the filing thereof. [1986 c 240 § 40; 1967 c 235 § 60.]

**24.03.300 Survival of remedy after dissolution—Extension of duration of corporation.** The dissolution of a corporation either (1) by the filing and issuance of a certificate of dissolution, voluntary or administrative, by the secretary of state, or (2) by a decree of court when the court has not liquidated the assets and affairs of the corporation as provided in this chapter, or (3) by expiration of its period of duration, shall not take away or impair any remedy available to or against such corporation, its directors, officers, or members, for any right or claim existing, or any liability incurred, prior to such dissolution if action or other proceeding thereon is commenced within two years after the date of such dissolution. Any such action or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name. The members, directors and officers shall have power to take such corporate or other action as shall be appropriate to protect such remedy, right or claim. If such corporation was dissolved by the expiration of its period of duration, such corporation

may amend its articles of incorporation at any time during such period of two years after expiration so as to extend its period of duration. If, during the period of dissolution, another person or corporation has reserved or adopted a corporate name which is identical to or deceptively similar to the dissolved corporation's name, the corporation extending its period of duration shall be required to adopt another name consistent with the requirements of this chapter and to amend its articles of incorporation accordingly. The corporation shall also pay to the state all fees and penalties which would otherwise have been due if the corporate charter had not expired, plus a reinstatement fee as provided in this chapter. [1986 c 240 § 41; 1982 c 35 § 96; 1967 c 235 § 61.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.302 Administrative dissolution—Grounds—Notice—Reinstatement—Corporate name—Survival of actions.** A corporation shall be administratively dissolved by the secretary of state upon the conditions prescribed in this section when the corporation:

(1) Has failed to file or complete its annual report within the time required by law; or

(2) Has failed for thirty days to appoint or maintain a registered agent in this state; or

(3) Has failed for thirty days, after change of its registered agent or registered office, to file in the office of the secretary of state a statement of such change.

A corporation shall not be dissolved under this section unless the secretary of state has given the corporation not less than forty-five days' notice of its delinquency or omission, by first class mail, postage prepaid, addressed to the registered office, or, if there is no registered office, to the last known address of any officer or director as shown by the records of the secretary of state, and unless the corporation has failed to correct the omission or delinquency before expiration of the forty-five day period.

When a corporation has given cause for dissolution under this section, and has failed to correct the delinquency or omission as provided in this section, the secretary of the state shall dissolve the corporation by issuing a certificate of administrative dissolution containing a statement that the corporation has been dissolved and the date and reason for which it was dissolved. The original certificate of administrative dissolution shall be filed in the records of the secretary of state, and a copy of the certificate shall forthwith be mailed to the corporation at its registered office or, if there is no registered office, to the last known address of the corporation or any officer, director, or incorporator of the corporation, as shown by the records of the secretary of state. Upon the filing of the certificate of administrative dissolution, the existence of the corporation shall cease, except as otherwise provided in this chapter, and its name shall be available to and may be adopted by another corporation after the dissolution.

Any notice provided by the secretary of state under this section shall be designed to clearly identify and

warn the recipient of the contents thereof. A delinquency notice shall provide a succinct and readable description of the delinquency or omission, the date on which dissolution will occur, and the action necessary to cure the delinquency or omission prior to dissolution.

A corporation which has been dissolved by operation of this section may be reinstated within a period of three years following its dissolution if it shall file or complete its annual report or if it shall appoint or maintain a registered agent, or if it shall file with the secretary of state a required statement of change of registered agent or registered office and in addition, if it shall pay a reinstatement fee of twenty-five dollars plus any other fees that may be due and owing the secretary of state. If, during the period of dissolution, another person or corporation has reserved or adopted a corporate name which is identical to or deceptively similar to the dissolved corporation's name, the dissolved corporation seeking reinstatement shall be required to adopt another name consistent with the requirements of this chapter and to amend its articles of incorporation accordingly. When a corporation has been dissolved by operation of this section, remedies available to or against it shall survive in the manner provided in RCW 24.03.300 and the directors of the corporation shall hold the title to the property of the corporation as trustees for the benefit of its creditors and members. [1986 c 240 § 42; 1982 c 35 § 97; 1971 ex.s. c 128 § 1; 1969 ex.s. c 163 § 9.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.305 Admission of foreign corporation.** No foreign corporation shall have the right to conduct affairs in this state until it shall have procured a certificate of authority so to do from the secretary of state. No foreign corporation shall be entitled to procure a certificate of authority under this chapter to conduct in this state any affairs which a corporation organized under this chapter is not permitted to conduct. A foreign corporation shall not be denied a certificate of authority by reason of the fact that the laws of the state or country under which such corporation is organized governing its organization and internal affairs differ from the laws of this state, and nothing in this chapter contained shall be construed to authorize this state to regulate the organization or the internal affairs of such corporation.

Without excluding other activities which may not constitute conducting affairs in this state, a foreign corporation shall not be considered to be conducting affairs in this state, for the purposes of this chapter, by reason of carrying on in this state any one or more of the following activities:

(1) Maintaining or defending any action or suit or any administrative or arbitration proceeding, or effecting the settlement thereof or the settlement of claims or disputes.

(2) Holding meetings of its directors or members or carrying on other activities concerning its internal affairs.

(3) Maintaining bank accounts.

(4) Creating evidences of debt, mortgages or liens on real or personal property.

(5) Securing or collecting debts due to it or enforcing any rights in property securing the same.

(6) Effecting sales through independent contractors.

(7) Soliciting or procuring orders, whether by mail or through employees or agents or otherwise, where such orders require acceptance without this state before becoming binding contracts.

(8) Creating as borrower or lender, or acquiring, indebtedness or mortgages or other security interests in real or personal property.

(9) Securing or collecting debts or enforcing any rights in property securing the same.

(10) Transacting any business in interstate commerce.

(11) Conducting an isolated transaction completed within a period of thirty days and not in the course of a number of repeated transactions of like nature. [1986 c 240 § 43; 1967 c 235 § 62.]

**24.03.320 Change of name by foreign corporation.**

Whenever a foreign corporation which is authorized to conduct affairs in this state shall change its name to one under which a certificate of authority would not be granted to it on application therefor, the certificate of authority of such corporation shall be suspended and it shall not thereafter conduct any affairs in this state until it has changed its name to a name which is available to it under the laws of this state or has otherwise complied with the provisions of this chapter. [1986 c 240 § 44; 1967 c 235 § 65.]

**24.03.325 Application for certificate of authority.** A foreign corporation, in order to procure a certificate of authority to conduct affairs in this state, shall make application therefor to the secretary of state, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) If the name of the corporation contains the word "corporation," "company," "incorporated," or "limited," or contains an abbreviation of one of such words, then the name of the corporation which it elects for use in this state.

(3) The date of incorporation and the period of duration of the corporation.

(4) The address of the principal office of the corporation.

(5) A statement that a registered agent has been appointed and the name and address of such agent, and that a registered office exists and the address of such registered office is identical to that of the registered agent.

(6) The purpose or purposes of the corporation which it proposes to pursue in conducting its affairs in this state.

(7) The names and respective addresses of the directors and officers of the corporation.

(8) Such additional information as may be necessary or appropriate in order to enable the secretary of state to

determine whether such corporation is entitled to a certificate of authority to conduct affairs in this state.

The application shall be made in the form prescribed by the secretary of state and shall be executed in duplicate by the corporation by one of its officers.

The application shall be accompanied by a certificate of good standing which has been issued no more than sixty days before the date of filing of the application for a certificate of authority to do business in this state and has been certified to by the proper officer of the state or country under the laws of which the corporation is incorporated. [1986 c 240 § 45; 1967 c 235 § 66.]

**24.03.330 Filing of application for certificate of authority.** Duplicate originals of the application of the corporation for a certificate of authority shall be delivered to the secretary of state.

If the secretary of state finds that such application conforms to law, the secretary of state shall, when all fees have been paid as in this chapter prescribed:

(1) Endorse on each of such documents the word "Filed," and the date of the filing thereof.

(2) File one of such duplicate originals of the application and the copy of the articles of incorporation and amendments thereto.

(3) Issue a certificate of authority to conduct affairs in this state to which the other duplicate original application shall be affixed.

The certificate of authority, together with the duplicate original of the application affixed thereto by the secretary of state, shall be returned to the corporation or its representative. [1986 c 240 § 46; 1982 c 35 § 99; 1969 ex.s. c 163 § 4; 1967 c 235 § 67.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.345 Change of registered office or registered agent of foreign corporation.** A foreign corporation authorized to conduct affairs in this state may change its registered office or change its registered agent, or both, upon filing in the office of the secretary of state in a form approved by the secretary of state a statement setting forth:

(1) The name of the corporation.

(2) If the address of its registered office is to be changed, the address to which the registered office is to be changed.

(3) If its registered agent is to be changed, the name of its successor registered agent.

(4) That the address of its registered office and the address of the office of its registered agent, as changed, will be identical.

(5) That such change was authorized by resolution duly adopted by its board of directors.

Such statement shall be executed by the corporation by an officer of the corporation, and delivered to the secretary of state, together with a written consent of the registered agent to his or its appointment, if applicable. If the secretary of state finds that such statement conforms to the provisions of this chapter, the secretary of state shall endorse thereon the word "Filed," and the

month, day, and year of the filing thereof, and file the statement. The change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective upon filing unless a later date is specified.

Any registered agent in this state appointed by a foreign corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the secretary of state who shall forthwith mail a copy thereof to the secretary of the foreign corporation at its principal office as shown by its most recent annual report. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

If a registered agent changes his business address to another place within the state, the registered agent may change such address and the address of the registered office of any corporation of which the registered agent is a registered agent by filing a statement as required by this section, except that it need be signed only by the registered agent, it need not be responsive to subsection (3) or (5) of this section, and it must recite that a copy of the statement has been mailed to the corporation. [1986 c 240 § 47; 1982 c 35 § 102; 1967 c 235 § 70.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.350 Service on foreign corporation.** The registered agent so appointed by a foreign corporation authorized to conduct affairs in this state shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

Whenever a foreign corporation authorized to conduct affairs in this state shall fail to appoint or maintain a registered agent in this state, or whenever any such registered agent cannot with reasonable diligence be found at the registered office, or whenever the certificate of authority of a foreign corporation shall be suspended or revoked, then the secretary of state shall be an agent of such corporation upon whom any such process, notice, or demand may be served. Service on the secretary of state of any such process, notice, or demand shall be made by delivering to and leaving with the secretary of state, or with any duly authorized clerk of the corporation department of the secretary of state's office, duplicate copies of such process, notice or demand. In the event any such process, notice or demand is served on the secretary of state, the secretary of state shall immediately cause one of such copies thereof to be forwarded by certified mail, addressed to the secretary of the corporation as shown on the records of the secretary of state. Any service so had on the secretary of state shall be returnable in not less than thirty days.

The secretary of state shall keep a record of all processes, notices and demands served upon the secretary of state under this section, and shall record therein the time of such service and his action with reference thereto.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand, required or permitted by law to be served upon a corporation in any

other manner now or hereafter permitted by law. [1986 c 240 § 48; 1982 c 35 § 103; 1967 c 235 § 71.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.355 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**24.03.360 Merger of foreign corporation authorized to conduct affairs in this state.** Whenever a foreign corporation authorized to conduct affairs in this state shall be a party to a statutory merger permitted by the laws of the state or country under the laws of which it is incorporated, and such corporation shall be the surviving corporation, it shall not be necessary for such corporation to procure either a new or amended certificate of authority to conduct affairs in this state unless the name of such corporation be changed thereby or unless the corporation desires to pursue in this state other or additional purposes than those which it is then authorized to pursue in this state. [1986 c 240 § 49; 1967 c 235 § 73.]

*Purposes: RCW 24.03.015.*

**24.03.380 Revocation of certificate of authority—Notice.** (1) The certificate of authority of a foreign corporation to conduct affairs in this state shall be revoked by the secretary of state upon the conditions prescribed in this section when:

(a) The corporation has failed to file its annual report within the time required by this chapter, or has failed to pay any fees or penalties prescribed by this chapter when they have become due and payable; or

(b) The corporation has failed for thirty days to appoint and maintain a registered agent in this state as required by this chapter; or

(c) The corporation has failed, for thirty days after change of its registered agent or registered office, to file in the office of the secretary of state a statement of such change as required by this chapter; or

(d) The corporation has continued to exceed or abuse the authority conferred upon it by this chapter; or

(e) A misrepresentation has been made of any material matter in any application, report, affidavit, or other document submitted by such corporation pursuant to this chapter.

(2) Prior to revoking a certificate of authority under subsection (1) of this section, the secretary of state shall give the corporation written notice of the corporation's delinquency or omission by first class mail, postage prepaid, addressed to the corporation's registered agent. If, according to the records of the secretary of state, the corporation does not have a registered agent, the notice may be given by mail addressed to the corporation at its last known address or at the address of any officer or director of the corporation, as shown by the records of the secretary of state. Notice is deemed to have been given five days after the date deposited in the United States mail, correctly addressed, and with correct postage affixed. The notice shall inform the corporation that

its certificate of authority shall be revoked at the expiration of sixty days following the date the notice had been deemed to have been given, unless it corrects the delinquency or omission within the sixty-day period.

(3) Any notice provided by the secretary of state under this section shall be designed to clearly identify and warn the recipient of the contents thereof. A delinquency notice shall provide a succinct and readable description of the delinquency or omission, the date on which dissolution will occur, and the action necessary to cure the delinquency or omission prior to dissolution.

(4) The attorney general may take such action regarding revocation of a certificate of authority as is provided by RCW 24.03.250 for the dissolution of a domestic corporation. The procedures of RCW 24.03.250 shall apply to any action under this section. The clerk of any superior court entering a decree of revocation of a certificate of authority shall file a certified copy, without cost or filing fee, with the office of the secretary of state. [1986 c 240 § 50; 1982 c 35 § 106; 1967 c 235 § 77.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.385 Issuance of certificate of revocation.** Upon revoking any certificate of authority under RCW 24.03.380, the secretary of state shall:

(1) Issue a certificate of revocation in duplicate.

(2) File one of such certificates in the secretary of state's office.

(3) Mail the other duplicate certificate to such corporation at its registered office in this state or, if there is no registered office in this state, to the corporation at the last known address of any officer or director of the corporation, as shown by the records of the secretary of state.

Upon the filing of such certificate of revocation, the authority of the corporation to conduct affairs in this state shall cease. [1986 c 240 § 51; 1982 c 35 § 107; 1967 c 235 § 78.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.386 Foreign corporations—Application for reinstatement.** (1) A corporation revoked under RCW 24.03.380 may apply to the secretary of state for reinstatement within three years after the effective date of revocation. An application filed within such two-year period may be amended or supplemented and any such amendment or supplement shall be effective as of the date of original filing. The application filed under this section shall be filed under and by authority of an officer of the corporation.

(2) The application shall:

(a) State the name of the corporation and, if applicable, the name the corporation had elected to use in this state at the time of revocation, and the effective date of its revocation;

(b) Provide an explanation to show that the grounds for revocation either did not exist or have been eliminated;

(c) State the name of the corporation at the time of reinstatement and, if applicable, the name the corporation elects to use in this state at the time of reinstatement which may be reserved under RCW 24.03.046;

(d) Appoint a registered agent and state the registered office address under RCW 24.03.340; and

(e) Be accompanied by payment of applicable fees and penalties.

(3) If the secretary of state determines that the application conforms to law, and that all applicable fees have been paid, the secretary of state shall cancel the certificate of revocation, prepare and file a certificate of reinstatement, and mail a copy of the certificate of reinstatement to the corporation.

(4) Reinstatement under this section relates back to and takes effect as of the date of revocation. The corporate authority shall be deemed to have continued without interruption from that date.

(5) In the event the application for reinstatement states a corporate name which the secretary of state finds to be contrary to the requirements of RCW 24.03.046, the application, amended application, or supplemental application shall be amended to adopt another corporate name which is in compliance with RCW 24.03.046. In the event the reinstatement application so adopts a new corporate name for use in Washington, the application for authority shall be deemed to have been amended to change the corporation's name to the name so adopted for use in Washington, effective as of the effective date of the certificate of reinstatement. [1986 c 240 § 57.]

**24.03.388 Foreign corporations—Fees for application for reinstatement.** (1) An application processing fee of thirty dollars shall be charged for an application for reinstatement under RCW 24.03.386.

(2) An application processing fee of ten dollars shall be charged for each amendment or supplement to an application for reinstatement.

(3) The corporation seeking reinstatement shall pay the full amount of all annual corporation fees which would have been assessed for the years of the period of administrative revocation, had the corporation been in active status, and the license fee for the year of reinstatement. [1986 c 240 § 58.]

**24.03.390 Conducting affairs without certificate of authority.** No foreign corporation which is conducting affairs in this state without a certificate of authority shall be permitted to maintain any action, suit or proceeding in any court of this state until such corporation shall have obtained a certificate of authority. Nor shall any action, suit or proceeding be maintained in any court of this state by any successor or assignee of such corporation on any right, claim or demand arising out of the conduct of affairs by such corporation in this state, until a certificate of authority shall have been obtained by such corporation or by a corporation which has acquired all or substantially all of its assets.

The failure of a foreign corporation to obtain a certificate of authority to conduct affairs in this state shall

not impair the validity of any contract or act of such corporation, and shall not prevent such corporation from defending any action, suit or proceeding in any court of this state.

A foreign corporation which transacts business in this state without a certificate of authority shall be liable to this state, for the years or parts thereof during which it transacted business in this state without a certificate of authority, in an amount equal to all fees which would have been imposed by this chapter upon such corporation had it duly applied for and received a certificate of authority to transact business in this state as required by this chapter and thereafter filed all reports required by this chapter, plus all penalties imposed by this chapter for failure to pay such fees. The attorney general shall bring proceedings to recover all amounts due this state under the provisions of this section. [1986 c 240 § 52; 1967 c 235 § 79.]

**24.03.395 Annual report of domestic and foreign corporations.** Each domestic corporation, and each foreign corporation authorized to conduct affairs in this state, shall file, within the time prescribed by this chapter, an annual report in the form prescribed by the secretary of state setting forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) The address of the registered office of the corporation in this state including street and number and the name of its registered agent in this state at such address, and, in the case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

(3) A brief statement of the character of the affairs which the corporation is actually conducting, or, in the case of a foreign corporation, which the corporation is actually conducting in this state.

(4) The names and respective addresses of the directors and officers of the corporation.

The information shall be given as of the date of the execution of the report. It shall be executed by the corporation by an officer of the corporation, or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation by such receiver or trustee.

The secretary of state may provide that correction or updating of information appearing on previous annual filings is sufficient to constitute the current annual filing. [1986 c 240 § 53; 1982 c 35 § 108; 1967 c 235 § 80.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.400 Filing of annual report of domestic and foreign corporations—Notice.** Not less than thirty days prior to a corporation's renewal date, or by December 1 of each year for a nonstaggered renewal, the secretary of state shall mail to each domestic and foreign corporation, by first class mail addressed to its registered office, a notice that its annual report must be filed as required by this chapter, and stating that if it



fails to file its annual report it shall be dissolved or its certificate of authority revoked, as the case may be. Failure of the secretary of state to mail any such notice shall not relieve a corporation from its obligation to file the annual reports required by this chapter.

Such annual report of a domestic or foreign corporation shall be delivered to the secretary of state between the first day of January and the first day of March of each year, or on an annual renewal date as the secretary of state may establish.

If the secretary of state finds that such report substantially conforms to the requirements of this chapter, the secretary of state shall file the same. [1986 c 240 § 54; 1982 c 35 § 109; 1973 c 90 § 1; 1967 c 235 § 81.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.405 Fees for filing documents and issuing certificates.** The secretary of state shall charge and collect for:

(1) Filing articles of incorporation and issuing a certificate of incorporation, twenty dollars.

(2) Filing articles of amendment or restatement and issuing a certificate of amendment or a restated certificate of incorporation, ten dollars.

(3) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, ten dollars.

(4) Filing a statement of change of address of registered office or change of registered agent, or revocation, resignation, affidavit of nonappointment, or any combination of these, five dollars. A separate fee for filing such statement shall not be charged if the statement appears in an amendment to articles of incorporation or in conjunction with the filing of the annual report.

(5) Filing articles of dissolution, no fee.

(6) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state and issuing a certificate of authority, twenty dollars.

(7) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state and issuing an amended certificate of authority, ten dollars.

(8) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, no fee.

(9) Filing a certificate by a foreign corporation of the appointment of a registered agent, five dollars. A separate fee for filing such certificate shall not be charged if the statement appears in an amendment to the articles of incorporation or in conjunction with the filing of the annual report.

(10) Filing a certificate of election adopting the provisions of chapter 24.03 RCW, twenty dollars.

(11) Filing an application to reserve a corporate name, ten dollars.

(12) Filing a notice of transfer of a reserved corporate name, five dollars.

(13) Filing a name registration, twenty dollars per year, or part thereof.

(14) Filing any other statement or report authorized for filing under this chapter, including an annual report, of a domestic or foreign corporation, ten dollars. [1986 c 240 § 55; 1982 c 35 § 110; 1981 c 230 § 5; 1969 ex.s. c 163 § 5; 1967 c 235 § 82.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**24.03.445 Appeal from disapproval of secretary of state.** If the secretary of state shall fail to approve any articles of incorporation, amendment, merger, consolidation or dissolution, or any other document required by this chapter to be approved by the secretary of state before the same shall be filed in his or her office, the secretary of state shall give written notice of disapproval to the person or corporation, domestic or foreign, delivering the same, specifying the reasons therefor. Within thirty days from such disapproval such person or corporation may appeal to the superior court pursuant to the provisions of the administrative procedure act, chapter 34.04 RCW. [1986 c 240 § 56; 1982 c 35 § 115; 1967 c 235 § 90.]

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

## Title 26

### DOMESTIC RELATIONS

#### Chapters

- 26.09** Dissolution of marriage—Legal separation—Declarations concerning validity of marriage.
- 26.12** Family court.
- 26.16** Husband and wife—Rights and liabilities—Community property.
- 26.21** Uniform reciprocal enforcement of support act.
- 26.26** Uniform parentage act.
- 26.44** Abuse of children and adult dependent persons—Protection—Procedure.

*Action by parent for sale or transfer of controlled substance to minor:*  
RCW 69.50.414.

#### Chapter 26.09

### DISSOLUTION OF MARRIAGE—LEGAL SEPARATION—DECLARATIONS CONCERNING VALIDITY OF MARRIAGE

#### Sections

- 26.09.015 Mediation—Confidentiality—Report to court.
- 26.09.135 Order or decree for child support—Contents—Notice of mandatory wage assignment.

**26.09.015 Mediation—Confidentiality—Report to court.** (1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the

parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the custody or visitation dispute.

(2) Each superior court may make available a mediator. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(3) Mediation proceedings shall be held in private and shall be confidential. The mediator shall not testify as to any aspect of the mediation proceedings.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court. [1986 c 95 § 4.]

**26.09.135 Order or decree for child support—Contents—Notice of mandatory wage assignment.** (1) Every court order or decree establishing a child support obligation shall state:

(a) That if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.18 RCW without prior notice to the obligor;

(b) The income of the parties, if known, or that their income is unknown, or the anticipated income upon which the support award is based;

(c) The support award as a fixed dollar sum or the formula by which the calculation of support is made;

(d) The specific day or date on which the support payment is due;

(e) The social security numbers, if known, of the obligor and obligee of the support payments; and

(f) Which party has or parties have custody of each child for whom an order of support is entered.

(2) Failure to comply with subsection (1) of this section does not affect the validity of the support order. [1986 c 138 § 1; 1984 c 260 § 21.]

**Severability—1984 c 260:** See RCW 26.18.900.

## Chapter 26.12 FAMILY COURT

### Sections

26.12.230 Joint family court services.

**26.12.230 Joint family court services.** (1) Any county may contract under chapter 39.34 RCW with any other county or counties to provide joint family court services.

[1986 RCW Supp—page 184]

(2) Any agreement between two or more counties for the operation of a joint family court service may provide that the treasurer of one participating county shall be the custodian of moneys made available for the purposes of the joint services, and that the treasurer may make payments from the moneys upon proper authorization.

(3) Any agreement between two or more counties for the operation of a joint family court service may also provide:

(a) For the joint provision or operation of services and facilities or for the provision or operation of services and facilities by one participating county under contract for the other participating counties;

(b) For appointments of members of the staff of the family court including the supervising counselor;

(c) That, for specified purposes, the members of the staff of the family court including the supervising counselor, but excluding the judges of the family court and other court personnel, shall be considered to be employees of one participating county;

(d) For other matters as are necessary to carry out the purposes of this chapter.

(4) The provisions of this chapter relating to family court services provided by a single county are equally applicable to counties which contract, under this section, to provide joint family court services. [1986 c 95 § 3.]

## Chapter 26.16

### HUSBAND AND WIFE—RIGHTS AND LIABILITIES—COMMUNITY PROPERTY

#### Sections

26.16.220	Quasi-community property defined.
26.16.230	Quasi-community property—Disposition at death.
26.16.240	Quasi-community property—Effect of lifetime transfers—Claims by surviving spouse—Waiver.
26.16.250	Quasi-community property—Characterization limited to determination of disposition at death—Waiver by written agreement.

**26.16.220 Quasi-community property defined.** (1) Unless the context clearly requires otherwise, as used in RCW 26.16.220 through 26.16.250 "quasi-community property" means all personal property wherever situated and all real property situated in this state that is not community property and that was acquired:

(a) By the decedent while domiciled elsewhere and that would have been the community property of the decedent and of the decedent's surviving spouse had the decedent been domiciled in this state at the time of its acquisition; or

(b) In derivation or in exchange for real or personal property, wherever situated, that would have been the community property of the decedent and the surviving spouse if the decedent had been domiciled in this state at the time the original property was acquired.

(2) For purposes of this section, leasehold interests in real property are real property. [1986 c 72 § 1.]

**26.16.230 Quasi-community property—Disposition at death.** Upon the death of any person domiciled in this state, one-half of the decedent's quasi-community

property shall belong to the decedent's surviving spouse and the other one-half of such property shall be subject to testamentary disposition by the decedent, and in the absence thereof, shall descend in the manner provided for community property under chapter 11.04 RCW. [1986 c 72 § 2.]

**26.16.240 Quasi-community property—Effect of lifetime transfers—Claims by surviving spouse—Waiver.** (1) If a decedent domiciled in this state on the date of his or her death made a lifetime transfer of quasi-community property to a person other than the surviving spouse within three years of death, without adequate consideration and without the consent of the surviving spouse, then within the time for filing claims against the estate as provided by RCW 11.40.010, the surviving spouse may require the transferee to restore to the decedent's estate one-half of such property, if the transferee retains the property, and, if not, one-half of its proceeds, or, if none, one-half of its value at the time of transfer, if:

(a) The decedent retained, at the time of death, the possession or enjoyment of or the right to income from the property;

(b) The decedent retained, at the time of death, a power, either alone or in conjunction with any other person, to revoke or to consume, invade or dispose of the principal for the decedent's own benefit; or

(c) The decedent held the property at the time of death with another with the right of survivorship.

Notwithstanding subsection (1) (a), (b), and (c) of this section, a transferee who purchases property or an interest in property from a decedent for value while believing in good faith that such property is the separate property of the decedent and does not constitute quasi-community property shall not be required to restore property, proceeds, or value to the decedent's estate under this provision.

(2) All property restored to the decedent's estate under this section shall belong to the surviving spouse pursuant to RCW 26.16.230 as though the transfer had never been made.

(3) The surviving spouse may waive any right granted hereunder by written instrument filed in the probate proceedings. If the surviving spouse acts as personal representative of the decedent's estate and causes the estate to be closed before the time for exercising any right granted by this section expires, such closure shall act as a waiver by the surviving spouse of any and all rights granted by this section. [1986 c 72 § 3.]

**26.16.250 Quasi-community property—Characterization limited to determination of disposition at death—Waiver by written agreement.** The characterization of property as quasi-community property under this chapter shall be effective solely for the purpose of determining the disposition of such property at the time of a death, and such characterization shall not affect the rights of the decedent's creditors. For all other purposes property characterized as quasi-community property under this chapter shall be characterized without regard

to the provisions of this chapter. A husband and wife may waive, modify, or relinquish any quasi-community property right granted or created by this chapter by signed written agreement. [1986 c 72 § 4.]

### Chapter 26.21

## UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT

#### Sections

26.21.125 Orders—Contents—Notice of mandatory wage assignment.

**26.21.125 Orders—Contents—Notice of mandatory wage assignment.** (1) Every court order or decree establishing a child support obligation shall state:

(a) That if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.18 RCW without prior notice to the obligor;

(b) The income of the parties, if known, or that their income is unknown, or the anticipated income upon which the support award is based;

(c) The support award as a fixed dollar sum or the formula by which the calculation of support is made;

(d) The specific day or date on which the support payment is due;

(e) The social security numbers, if known, of the obligor and obligee of the support payments; and

(f) Which party has or parties have custody of each child for whom an order of support is entered.

(2) Failure to comply with subsection (1) of this section does not affect the validity of the support order. [1986 c 138 § 2; 1984 c 260 § 22.]

**Severability—1984 c 260:** See RCW 26.18.900.

### Chapter 26.26

## UNIFORM PARENTAGE ACT

#### Sections

26.26.132 Support orders—Contents—Notice of mandatory wage assignment.

**26.26.132 Support orders—Contents—Notice of mandatory wage assignment.** (1) Every court order or decree establishing a child support obligation shall state:

(a) That if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.18 RCW without prior notice to the obligor;

(b) The income of the parties, if known, or that their income is unknown, or the anticipated income upon which the support award is based;

(c) The support award as a fixed dollar sum or the formula by which the calculation of support is made;

(d) The specific day or date on which the support payment is due;

(e) The social security numbers, if known, of the obligor and obligee of the support payments; and

(f) Which party has or parties have custody of each child for whom an order of support is entered.

(2) Failure to comply with subsection (1) of this section does not affect the validity of the support order. [1986 c 138 § 3; 1984 c 260 § 23.]

**Severability**—1984 c 260: See RCW 26.18.900.

### Chapter 26.44

#### ABUSE OF CHILDREN AND ADULT DEPENDENT PERSONS—PROTECTION—PROCEDURE

##### Sections

- 26.44.030 Reports—Duty and authority to make—Duty of receiving agency—Duty to notify—Case planning and consultation—Penalty for unauthorized exchange of information.
- 26.44.070 Central registry of reported cases of child abuse or abuse of adult dependent person—Confidentiality—Penalty.

**26.44.030 Reports—Duty and authority to make—Duty of receiving agency—Duty to notify—Case planning and consultation—Penalty for unauthorized exchange of information.** (1) When any practitioner, professional school personnel, registered or licensed nurse, social worker, psychologist, pharmacist, or employee of the department has reasonable cause to believe that a child or adult dependent person has suffered abuse or neglect, he shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

(2) Any other person who has reasonable cause to believe that a child or adult dependent person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(3) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent person who has died or has had physical injury or injuries inflicted upon him other than by accidental means or who has been subjected to sexual abuse, shall report such incident in writing to the proper law enforcement agency.

(4) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent person who has died or has had physical injury or injuries inflicted upon him other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action

whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them.

(5) Any county prosecutor or city attorney receiving a report under subsection (4) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(6) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(7) Persons or agencies exchanging information under subsection (6) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor. [1986 c 145 § 1; 1985 c 259 § 2; 1984 c 97 § 3; 1982 c 129 § 7; 1981 c 164 § 2; 197 ex.s. c 80 § 26; 1975 1st ex.s. c 217 § 3; 1971 ex.s. c 167 § 1; 1969 ex.s. c 35 § 3; 1965 c 13 § 3.]

**Legislative findings**—1985 c 259: "The Washington state legislature finds and declares:

The children of the state of Washington are the state's greatest resource and the greatest source of wealth to the state of Washington. Children of all ages must be protected from child abuse. Governmental authorities must give the prevention, treatment, and punishment of child abuse the highest priority, and all instances of child abuse must be reported to the proper authorities who should diligently and expeditiously take appropriate action, and child abusers must be held accountable to the people of the state for their actions.

The legislature recognizes the current heavy caseload of governmental authorities responsible for the prevention, treatment, and punishment of child abuse. The information obtained by child abuse reporting requirements, in addition to its use as a law enforcement tool, will be used to determine the need for additional funding to ensure that resources for appropriate governmental response to child abuse are available." [1985 c 259 § 1.]

**Severability**—1984 c 97: See RCW 74.34.900.

**Severability**—1982 c 129: See note following RCW 9A.04.080.

**Purpose**—**Intent**—**Severability**—1977 ex.s. c 80: See notes following RCW 4.16.190.

**26.44.070 Central registry of reported cases of child abuse or abuse of adult dependent person—Confidentiality—Penalty.** The department shall maintain a central registry of reported cases of child abuse or abuse of an adult dependent person and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available except upon court order to any person or

agency except (1) law enforcement agencies as defined in this chapter in the course of an investigation of alleged abuse or neglect; (2) protective services workers or juvenile court personnel who are investigating reported incidents of abuse or neglect; (3) department of social and health services personnel who are investigating the character and/or suitability of an agency and other persons who are applicants for licensure, registration, or certification, or applicants for employment with such an agency or persons, or under contract to or employed by an agency or persons directly responsible for the care and treatment of children, expectant mothers, or adult dependent persons pursuant to chapter 74.15 RCW; (4) department of social and health services personnel who are investigating the character, suitability, and competence of persons being considered for employment with the department in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons pursuant to chapters 43.20A and 41.06 RCW; (5) department of social and health services personnel who are investigating the character or suitability of any persons with whom children may be placed under the interstate compact on the placement of children, chapter 26.34 RCW; (6) physicians who are treating the child or adult dependent person or family; (7) any child or adult dependent person named in the registry who is alleged to be abused or neglected, or his or her guardian ad litem and/or attorney; (8) a parent, guardian, or other person legally responsible for the welfare and safety of the child or adult dependent person named in the registry; (9) any person engaged in a bona fide research purpose, as determined by the department, according to rules and regulations, provided that information identifying the persons of the registry shall remain privileged; and (10) any individual whose name appears on the registry shall have access to his own records. Those persons or agencies exempted by this section from the confidentiality of the records of the registry shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information, and any violation of this section shall constitute a misdemeanor. [1986 c 269 § 3; 1984 c 97 § 6; 1981 c 164 § 4; 1977 ex.s. c 80 § 29; 1975 1st ex.s. c 217 § 7; 1972 ex.s. c 46 § 1; 1969 ex.s. c 35 § 6.]

**Severability**—1984 c 97: See RCW 74.34.900.

**Purpose**—**Intent**—**Severability**—1977 ex.s. c 80: See notes following RCW 4.16.190.

**Title 27**  
**LIBRARIES, MUSEUMS, AND**  
**HISTORICAL ACTIVITIES**

**Chapters**

- 27.04** State library.
- 27.34** State historical societies—Heritage council—Archaeology and historic preservation.
- 27.53** Archaeological sites and resources.
- 27.60** 1989 Washington centennial.

**Chapter 27.04**  
**STATE LIBRARY**

Sections

- 27.04.030 Duties of commission.

**27.04.030 Duties of commission.** The state library commission:

- (1) May make such rules under chapter 34.04 RCW as may be deemed necessary and proper to carry out the purposes of this chapter;
- (2) Shall set general policy direction pursuant to the provisions of this chapter;
- (3) Shall appoint a state librarian who shall serve at the pleasure of the commission;
- (4) Shall adopt a recommended budget and submit it to the governor;
- (5) Shall have authority to contract with any agency of the state of Washington for the purpose of providing library materials, supplies, and equipment and employing assistants as needed for the development, growth, and operation of any library facilities or services of such agency;
- (6) Shall have authority to contract with any public library in the state for that library to render library service to the blind and/or physically handicapped throughout the state. The state library commission shall have authority to compensate such public library for the cost of the service it renders under such contract;
- (7) May adopt rules under chapter 34.04 RCW for the allocation of any grants of state, federal, or private funds for library purposes;
- (8) Shall have authority to accept and to expend in accordance with the terms thereof any grant of federal or private funds which may become available to the state for library purposes. For the purpose of qualifying to receive such grants, the state library commission is authorized to make such applications and reports as may be required by the federal government or appropriate private entity as a condition thereto;
- (9) Shall have the authority to provide for the sale of library material in accordance with RCW 27.12.305;
- (10) Shall pay expenses of the state board for certification of librarians under RCW 27.08.045. [1986 c 79 § 1; 1984 c 152 § 1; 1943 c 207 § 2; 1941 c 5 § 2; Rem. Supp. 1943 § 10771-3. Prior: See Reviser's note following RCW 27.04.010.]

**Chapter 27.34**

**STATE HISTORICAL SOCIETIES—HERITAGE**  
**COUNCIL—ARCHAEOLOGY AND HISTORIC**  
**PRESERVATION**

Sections

- 27.34.020 Definitions.
- 27.34.210 Office of archaeology and historic preservation—  
Preservation officer—Qualifications.
- 27.34.220 Director—Powers.
- 27.34.230 Director—Duties.
- 27.34.240 Apportionment of grants.
- 27.34.270 Advisory council—Duties.

- 27.34.280 Advisory council, heritage council—Financial and administrative services.  
 27.34.290 Repealed.  
 27.34.905 Decodified.

**27.34.020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Advisory council" means the advisory council on historic preservation.

(2) "Department" means the department of community development.

(3) "Director" means the director of community development.

(4) "Federal act" means the national historic preservation act of 1966 (Public Law 89-655; 80 Stat. 915).

(5) "Heritage council" means the Washington state heritage council.

(6) "Historic preservation" includes the protection, rehabilitation, restoration, identification, scientific excavation, and reconstruction of districts, sites, buildings, structures, and objects significant in American and Washington state history, architecture, archaeology, or culture.

(7) "Office" means the office of archaeology and historic preservation within the department of community development.

(8) "Preservation officer" means the state historic preservation officer as provided for in RCW 27.34.210.

(9) "Project" means programs leading to the preservation for public benefit of historical properties, whether by state and local governments or other public bodies, or private organizations or individuals, including the acquisition of title or interests in, and the development of, any district, site, building, structure, or object that is significant in American and Washington state history, architecture, archaeology, or culture, and property used in connection therewith, or for its development.

(10) "State historical agencies" means the state historical societies and the office of archaeology and historic preservation within the department of community development.

(11) "State historical societies" means the Washington state historical society, the eastern Washington state historical society, and the state capital historical association.

(12) "Cultural resource management plan" means a comprehensive plan which identifies and organizes information on the state of Washington's historic, archaeological, and architectural resources into a set of management criteria, and which is to be used for producing reliable decisions, recommendations, and advice relative to the identification, evaluation, and protection of these resources. [1986 c 266 § 9; 1983 c 91 § 2.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**Transfer of powers and duties of office of archaeology and historic preservation—Construction of statutory references:** See note following RCW 38.52.005.

**27.34.210 Office of archaeology and historic preservation—Preservation officer—Qualifications.** There

is hereby established the office of archaeology and historic preservation within the department of community development.

The director shall appoint the preservation officer to assist the director in implementing this chapter. The preservation officer shall have a background in program administration, an active involvement in historic preservation, and a knowledge of the national, state, and local preservation programs as they affect the state of Washington. [1986 c 266 § 10; 1983 c 91 § 11.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**Identification of historic properties and sites in need of rehabilitation or renovation—Use of conservation corps members:** RCW 43.220.180.

**27.34.220 Director—Powers.** The director or the director's designee 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, archaeology, and culture, and to prepare comprehensive state-wide historic surveys and plans and research and evaluation of surveyed resources for the preparation of nominations to the state and national registers of historic places, in accordance with criteria approved by the advisory council established under RCW 27.34.250. The nominations shall comply with any standards and regulations promulgated by the United States secretary of the interior for the preservation, acquisition, and development of such properties.

(2) To establish a program of matching grants-in-aid to public agencies, public or private organizations, or individuals for projects having as their purpose the preservation for public benefit of properties that are significant in American or Washington state history, architecture, archaeology, and culture.

(3) To promote historic preservation efforts throughout the state, including private efforts and those of city, county, and state agencies.

(4) To enhance the effectiveness of the state preservation program through the initiation of legislation, the use of varied funding sources, the creation of special purpose programs, and contact with state, county, and city officials, civic groups, and professionals.

(5) To spend funds, subject to legislative appropriation and the availability of funds, where necessary to assist the Indian tribes of Washington state in removing prehistoric human remains for scientific examination and reburial, if the human remains have been unearthed inadvertently or through vandalism and if no other public agency is legally responsible for their preservation.

(6) To consult with the governor and the legislature on issues relating to the conservation of the man-made environment and their impact on the well-being of the state and its citizens. The department shall submit periodic reports of its activities under this chapter to the governor and the legislature.

(7) To charge fees for professional and clerical services provided by the office.

(8) To adopt such rules, in accordance with chapter 34.04 RCW, as are necessary to carry out RCW 27.34.200 through \*27.34.290. [1986 c 266 § 11; 1985 c 64 § 2; 1983 c 91 § 12.]

\*Reviser's note: RCW 27.34.290 was repealed by 1986 c 266 § 53.  
**Severability**—1986 c 266: See note following RCW 38.52.005.

**27.34.230 Director—Duties.** The director or the director's designee shall:

(1) Submit the budget requests for the office to the heritage council for review and comment;

(2) Receive, administer, and disburse such gifts, grants, and endowments from private sources as may be made in trust or otherwise for the purposes of RCW 27.34.200 through \*27.34.290 or the federal act; and

(3) Develop and implement a cultural resource management plan. [1986 c 266 § 12; 1983 c 91 § 13.]

\*Reviser's note: RCW 27.34.290 was repealed by 1986 c 266 § 53.  
**Severability**—1986 c 266: See note following RCW 38.52.005.

**27.34.240 Apportionment of grants.** The amounts made available for grants to the public agencies, public or private organizations, or individuals for projects for each fiscal year shall be apportioned among program applicants by the director or the director's designee, with the advice of the preservation officer, in accordance with needs as contained in state-wide archaeology and historic preservation plans developed by the department. [1986 c 266 § 13; 1983 c 91 § 14.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**27.34.270 Advisory council—Duties.** The advisory council shall:

(1) Advise the governor and the department on matters relating to historic preservation; recommend measures to coordinate activities of state and local agencies, private institutions, and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities; and

(2) Review and recommend nominations for the state and national registers of historic places to the preservation officer and the director. [1986 c 266 § 14; 1983 c 91 § 17.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**27.34.280 Advisory council, heritage council—Financial and administrative services.** The department shall provide administrative and financial services to the advisory council on historic preservation and to the Washington state heritage council. [1986 c 266 § 15; 1983 c 91 § 16.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**27.34.290 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**27.34.905 Decodified.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**Chapter 27.53**

**ARCHAEOLOGICAL SITES AND RESOURCES**

Sections

27.53.020	Archaeological resource preservation, etc., declared public functions—Archaeological research center designated state agency—Cooperation enjoined.
27.53.030	Definitions.
27.53.060	Disturbing, etc., archaeological resource or site without permission unlawful—Exceptions.
27.53.080	Archaeological activities upon public lands—Entry—Agreement—Approval of activities.
27.53.090	Violations—Penalty.

**27.53.020 Archaeological resource preservation, etc., declared public functions—Archaeological research center designated state agency—Cooperation enjoined.**

The discovery, identification, excavation, and study of the state's archaeological resources, the providing of information on archaeological sites for their nomination to the state and national registers of historic places, the maintaining of a complete inventory of archaeological sites and collections, and the providing of information to state, federal, and private construction agencies regarding the possible impact of construction activities on the state's archaeological resources, are proper public functions; and the Washington archaeological research center, created under the authority of chapter 39.34 RCW as now existing or hereafter amended, is hereby designated as an appropriate agency to carry out these functions. The director, in consultation with the Washington archaeological research center, shall provide guidelines for the selection of depositories designated by the state for archaeological resources. The legislature directs that there shall be full cooperation amongst the department, the Washington archaeological research center, and other agencies of the state. [1986 c 266 § 16; 1977 ex.s. c 195 § 12; 1975-'76 2nd ex.s. c 82 § 1; 1975 1st ex.s. c 134 § 2.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Severability**—1977 ex.s. c 195: "If any provision of this 1977 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." [1977 ex.s. c 195 § 20.]

**27.53.030 Definitions.** Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout this chapter.

(1) "Archaeology" means systematic, scientific study of man's past through material remains.

(2) "Department" means the department of community development.

(3) "Director" means the director of community development or the director's designee.

(4) "Historic" means peoples and cultures who are known through written documents in their own or other languages.

(5) "Prehistoric" means peoples and cultures who are unknown through contemporaneous written documents in any language.

(6) "Professional archaeologist" means a person who has met the educational, training, and experience requirements of the society of professional archaeologists.

(7) "Qualified archaeologist" means a person who has had formal training and/or experience in archaeology over a period of at least three years, and has been certified in writing to be a qualified archaeologist by two professional archaeologists.

(8) "Amateur society" means any organization composed primarily of persons who are not professional archaeologists, whose primary interest is in the archaeological resources of the state, and which has been certified in writing by two professional archaeologists. [1986 c 266 § 17; 1983 c 91 § 20; 1977 ex.s. c 195 § 13; 1975 1st ex.s. c 134 § 3.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Effective date**—1983 c 91: See RCW 27.34.910.

**Severability**—1977 ex.s. c 195: See note following RCW 27.53.020.

**27.53.060 Disturbing, etc., archaeological resource or site without permission unlawful—Exceptions.** On the private and public lands of this state it shall be unlawful for any person, firm, corporation, or any agency or institution of the state or a political subdivision thereof to knowingly alter, dig into, or excavate by use of any mechanical, hydraulic, or other means, or to damage, deface, or destroy any historic or prehistoric archaeological resource or site, American Indian or aboriginal camp site, dwelling site, rock shelter, cave dwelling site, storage site, grave, burial site, or skeletal remains and grave goods, cairn, or tool making site, or to remove from any such land, site, or area, grave, burial site, cave, rock shelter, or cairn, any skeletal remains, artifact or implement of stone, bone, wood, or any other material, including, but not limited to, projectile points, arrowheads, knives, awls, scrapers, beads or ornaments, basketry, matting, mauls, pestles, grinding stones, rock carvings or paintings, or any other artifacts or implements, or portions or fragments thereof without having obtained written permission from the director for such activities on public property or from the private landowner for such activities on private land. A private landowner may request the director to assume the duty of issuing such permits. The director must obtain the consent of the public property owner or agency responsible for the management thereof, prior to issuance of the permit. The director, in consultation with the Washington state archaeological research center, shall develop guidelines for the issuance and processing of such permits. Such written permission shall be physically present while any such activity is being conducted. The provisions of this section shall not apply to the removal of artifacts found exposed on the surface of the ground nor to the excavation and removal of artifacts from state owned shorelands below the line of ordinary high water or within the intertidal zone. [1986 c 266 § 18; 1977 ex.s. c 195 § 14; 1975-'76 2nd ex.s. c 82 § 2; 1975 1st ex.s. c 134 § 6.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Severability**—1977 ex.s. c 195: See note following RCW 27.53.020.

**27.53.080 Archaeological activities upon public lands—Entry—Agreement—Approval of activities.** Qualified or professional archaeologists, in performance of their duties, are hereby authorized to enter upon public lands of the state of Washington and its political subdivisions, at such times and in such manner as not to interfere with the normal management thereof, for the purposes of doing archaeological resource location and evaluation studies, including site sampling activities. Scientific excavations are to be carried out only after appropriate agreement has been made between a professional archaeologist or an institution of higher education and the agency or political subdivision responsible for such lands. Notice of such agreement shall be filed with the Washington archaeological research center and by them to the department. Amateur societies may engage in such activities by submitting and having approved by the responsible agency or political subdivision a written proposal detailing the scope and duration of the activity. Before approval, a proposal from an amateur society shall be submitted to the Washington archaeological research center for review and recommendation. [1986 c 266 § 19; 1977 ex.s. c 195 § 15; 1975 1st ex.s. c 134 § 8.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Severability**—1977 ex.s. c 195: See note following RCW 27.53.020.

**27.53.090 Violations—Penalty.** Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor. Each day of continued violation of any provision of this chapter shall constitute a distinct and separate offense. Offenses shall be reported to the appropriate law enforcement agency or to the director. [1986 c 266 § 20; 1977 ex.s. c 195 § 16; 1975-'76 2nd ex.s. c 82 § 4; 1975 1st ex.s. c 134 § 9.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Severability**—1977 ex.s. c 195: See note following RCW 27.53.020.

## Chapter 27.60

### 1989 WASHINGTON CENTENNIAL

#### Sections

27.60.080	State centennial license plates—Distribution of revenues—Expiration of section.
27.60.090	Use of logos, emblems, slogans, etc., adopted by commission—Limitations—Penalties.

**27.60.080 State centennial license plates—Distribution of revenues—Expiration of section.** In support of centennial activities of the centennial commission, and as provided for in RCW 46.16.650, revenues shall be made available by appropriation to the centennial commission. One-half of the moneys so provided shall be distributed to counties in the state for use by their respective county centennial commissions or committees. Distribution of such moneys shall be made by the 1989 Washington centennial commission according to rules adopted by the commission. The rules shall provide for



distribution to the respective counties on the basis of the number of centennial plates issued to residents in those counties, with minimum amounts established to be distributed to those counties with small populations, regardless of the number of centennial plates issued.

The remaining one-half of the moneys shall be used for funding projects deemed to be of state-wide significance by the centennial commission in accordance with rules adopted by the commission.

This section shall expire on December 31, 1993. Any funds remaining in the centennial commission account on that date shall revert to the general fund. [1986 c 280 § 3.]

**27.60.090 Use of logos, emblems, slogans, etc., adopted by commission—Limitations—Penalties.**

(1) Except as authorized by the commission in writing, the manufacture, reproduction, or use of any logos, emblems, symbols, slogans, or marks originated under and adopted by authority of the commission in connection with the commemoration and celebration of the 1989 Washington state centennial, or any facsimile thereof, or any combination or simulation thereof tending to suggest official connection with the centennial or centennial activities, shall constitute unfair practice under chapter 19.86 RCW. At the request of the commission, the attorney general shall bring such action as may be necessary under chapter 19.86 RCW, including but not limited to action to recover all profits from unauthorized use of centennial insignia and marks.

(2) Except as authorized by the commission in writing, any person or entity who knowingly or wilfully manufactures, reproduces, or uses any logos, emblems, symbols, slogans or marks originated under and adopted by authority of the commission in connection with the commemoration and celebration of the 1989 Washington state centennial, or any facsimile thereof, or any combination or simulation thereof tending to suggest official connection with the centennial or centennial activities, shall be guilty of a gross misdemeanor.

(3) Enforcement action under subsection (1) or (2) of this section is authorized only with respect to logos, emblems, symbols, slogans, or marks for which notice of adoption by the commission has been published in the Washington state register.

(4) \*This act shall not be construed to prevent the commission from seeking such other remedies as it may be entitled to under applicable state or federal trademark or copyright registration laws with respect to any symbol or mark. [1986 c 157 § 2.]

**\*Reviser's note:** This act consists of this section and the note following this section.

**Legislative intent—1986 c 157:** "The legislature intends that the celebration of the centennial should be of high quality, and that the centennial may generate revenues to help support such programs and plans. The legislature is concerned, as other states' legislatures and the congress have been, that large but transitory celebrations such as the bicentennial, Olympic games, or centennials, may present an opportunity for inappropriate commercial activity or outright theft of the valuable public property represented by the celebration and its associated symbols. To this end, it is declared to be in the public interest to provide for the protection of officially adopted centennial symbols,

marks, and graphic insignia, and to assist the commission with the prevention of unauthorized use of such symbols." [1986 c 157 § 1.]

## Title 28A

### COMMON SCHOOL PROVISIONS

#### Chapters

- 28A.02 General provisions.
- 28A.03 Superintendent of public instruction.
- 28A.04 State board of education.
- 28A.05 Compulsory courses.
- 28A.08 Traffic safety education courses.
- 28A.24 School transportation.
- 28A.27 Compulsory school attendance.
- 28A.34 Nursery schools and preschools.
- 28A.34A Early childhood assistance.
- 28A.41 State general fund support to public schools—School district reimbursement programs.
- 28A.57 Organization and reorganization of school districts.
- 28A.58 Provisions applicable to all school districts.
- 28A.61 Washington state school directors' association.
- 28A.67 Teachers—General provisions.
- 28A.87 Offenses relating to schools, school personnel—Penalties.
- 28A.97 Educational clinics.

#### Chapter 28A.02

#### GENERAL PROVISIONS

##### Sections

- 28A.02.320 Employee suggestion program—Board of directors of a school district may establish.
- 28A.02.325 Employee suggestion program—Awards.

**28A.02.320 Employee suggestion program—Board of directors of a school district may establish.** The board of directors of any school district may establish and maintain an employee suggestion program to encourage and reward meritorious suggestions by certificated and classified school employees. The program shall be designed to promote efficiency or economy in the performance of any function of the school district. Each board establishing an employee suggestion program shall establish procedures for the proper administration of the program. [1986 c 143 § 1.]

**Effective date—1986 c 143:** "This act shall take effect on August 1, 1986." [1986 c 143 § 4.]

**28A.02.325 Employee suggestion program—Awards.** The board of directors of the school district shall make the final determination as to whether an employee suggestion award will be made and shall determine the nature and extent of the award. The award shall not be a regular or supplemental compensation program for all employees and the suggestion must, in fact, result in actual savings greater than the award

amount. Any moneys which may be awarded to an employee as part of an employee suggestion program shall not be considered salary or compensation for the purposes of RCW 28A.58.095 or chapter 41.40 RCW. [1986 c 143 § 2.]

**Effective date**—1986 c 143: See note following RCW 28A.02.320.

### Chapter 28A.03

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

##### Sections

- 28A.03.108 Dropout statistics—Reporting requirements—Superintendent's duties.
- 28A.03.510 Educational information—Superintendent's duties.
- 28A.03.520 Award for excellence in education program—Short title.
- 28A.03.523 Award for excellence in education program—Recipients—Awards.
- 28A.03.526 Award for excellence in education program—Christa McAuliffe award for teachers.
- 28A.03.529 Award for excellence in education program—Awards for school district superintendent and school board.
- 28A.03.532 Award for excellence in education program—Rules.
- 28A.03.535 Award for excellence in education program—Grant in lieu of waiver of tuition and fees—Principals and teachers may apply.
- 28A.03.538 Award for excellence in education program—Educational grant for school district board of directors and school district superintendent.

**28A.03.108 Dropout statistics—Reporting requirements—Superintendent's duties.** See RCW 28A.58.087.

**28A.03.510 Educational information—Superintendent's duties.** (1) Recent and expanding activity in educational research has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. To facilitate access to information and materials on education, the superintendent of public instruction shall act as the state clearinghouse for educational information.

(2) In carrying out this function, the superintendent of public instruction's primary duty shall be to collect, screen, organize, and disseminate information pertaining to the state's educational system from preschool through grade twelve, including but not limited to in-state research and development efforts; descriptions of exemplary, model, and innovative programs; and related information that can be used in developing more effective programs.

(3) The superintendent of public instruction shall maintain a collection of such studies, articles, reports, research findings, monographs, bibliographies, directories, curriculum materials, speeches, conference proceedings, legal decisions that are concerned with some aspect of the state's education system, and other applicable materials. All materials and information shall be considered public documents under chapter 42.17 RCW and the superintendent of public instruction shall furnish copies of educational materials at nominal cost.

(4) The superintendent of public instruction shall coordinate the dissemination of information with the educational service districts and shall publish and distribute, on a monthly basis, a newsletter describing current activities and developments in education in the state. [1986 c 180 § 1.]

**28A.03.520 Award for excellence in education program—Short title.** RCW 28A.03.523 through 28A.03.538 and 28B.15.547 may be known and cited as the Washington award for excellence in education program act. [1986 c 147 § 1.]

*Commendable employee service and recognition award program: RCW 28A.58.842.*

**28A.03.523 Award for excellence in education program—Recipients—Awards.** (1) The superintendent of public instruction shall establish an annual award program for excellence in education to recognize teachers, principals, school district superintendents, and school boards for their leadership, contributions, and commitment to education. The program shall recognize annually:

(a) Three teachers from each congressional district of the state. One individual must be an elementary level teacher, one must be a junior high or middle school level teacher, and one must be a secondary level teacher;

(b) Three principals from each congressional district of the state. One individual must be an elementary building principal, one must be a junior high or middle school building principal, and one must be a secondary building principal;

(c) One school district superintendent from the state; and

(d) One school district board of directors from the state.

Not more than three teachers and three principals from each congressional district and one superintendent and one school board from the state may be recognized and receive awards in any school year.

(2) The awards for teachers and principals shall include certificates presented by the governor and the superintendent of public instruction at a public ceremony or ceremonies in appropriate locations.

(3) In addition to certificates under subsection (2) of this section, awards for teachers and principals shall include:

(a) A waiver of tuition and fees under RCW 28B.15.547 and a stipend not to exceed one thousand dollars to cover costs incurred in taking courses for which the tuition and fees have been waived under this subsection and RCW 28B.15.547. The stipend shall not be considered compensation for the purposes of RCW 28A.58.095; or

(b) Teachers and principals, at their discretion, may elect to forego the waiver of tuition and fees and the stipend under subsection (3) of this section and apply for a grant not to exceed one thousand dollars, which grant shall be awarded under the provisions of RCW 28A.03.535. Within one year of receiving the award for

excellence in education, teachers and principals shall notify the superintendent of public instruction in writing of their decision to apply for a grant or to receive the waiver of tuition and fees and the stipend under subsection (3) of this section. [1986 c 147 § 2.]

**28A.03.526 Award for excellence in education program—Christa McAuliffe award for teachers.** The award for teachers under the Washington award for excellence in education program shall be named the "Christa McAuliffe Award, in honor and memory of Sharon Christa Corrigan McAuliffe." As the first teacher and private citizen selected nationally to voyage into space, Christa McAuliffe exemplified what is exciting and positive about the teaching profession. Her contributions within the scope of the nation's education system helped to show that education can and should be a vital and dynamic experience for all participants. Christa McAuliffe's chosen profession encompasses learning by discovery and her desire to make new discoveries was reflected by her participation in the nation's space program.

The selection of Christa McAuliffe as the first teacher in space was directly linked to Washington state in that superintendent of public instruction Dr. Frank Brouillet both appointed and served as a member of the national panel which selected Christa McAuliffe.

The tragic loss of the life of Christa McAuliffe on the flight of the space shuttle Challenger on January 28, 1986, will be remembered through the legacy she gave to her family, friends, relatives, students, colleagues, the education profession, and the nation: a model example of striving toward excellence. [1986 c 147 § 3.]

**28A.03.529 Award for excellence in education program—Awards for school district superintendent and school board.** The awards for the superintendent and school board shall include:

(1) Certificates presented by the governor and the superintendent of public instruction at a public ceremony or ceremonies in appropriate locations;

(2) A grant to the superintendent not to exceed one thousand dollars, which grant shall be awarded under the provisions of RCW 28A.03.538; and

(3) A grant to the school board not to exceed two thousand five hundred dollars, which grant shall be awarded under RCW 28A.03.538. [1986 c 147 § 4.]

**28A.03.532 Award for excellence in education program—Rules.** The superintendent of public instruction shall adopt rules under chapter 34.04 RCW to carry out the purposes of this chapter. These rules shall include establishing the selection criteria for the Washington award for excellence in education program. The superintendent of public instruction is encouraged to consult with teachers, principals, superintendents, and school board members in developing the selection criteria. Notwithstanding the provisions of RCW 28A.03.523(1) (a) and (b), such rules may allow for the selection of individuals whose teaching or administrative duties, or both,

may encompass multiple grade level or building assignments, or both. [1986 c 147 § 5.]

**28A.03.535 Award for excellence in education program—Grant in lieu of waiver of tuition and fees—Principals and teachers may apply.** Teachers and principals who have received an award for excellence in education under RCW 28A.03.523 shall be eligible to apply for an educational grant in lieu of receiving a waiver of tuition and fees and a stipend as provided under RCW 28A.03.523(3). The superintendent of public instruction shall award the grant as long as a written grant application is submitted to the superintendent of public instruction within one year after the award was received. The grant application shall identify the educational purpose toward which the grant shall be used. [1986 c 147 § 7.]

**28A.03.538 Award for excellence in education program—Educational grant for school district board of directors and school district superintendent.** The superintendent and school board who have received an award for excellence in education under RCW 28A.03.529 shall be eligible to apply for an educational grant. The superintendent of public instruction shall award the grant as long as a written grant application is submitted to the superintendent of public instruction within one year after the award was received. The grant application shall identify the educational purpose toward which the grant shall be used. [1986 c 147 § 8.]

## Chapter 28A.04

### STATE BOARD OF EDUCATION

#### Sections

28A.04.120 Powers and duties generally.

28A.04.287 Accreditation standards for preschools—Board to establish standards and procedures.

**28A.04.120 Powers and duties generally.** In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(3) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

(4) Accredit, subject to such accreditation standards and procedures as may be established by the state board

of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.02.201, private schools carrying out a program for any or all of the grades one through twelve: *Provided*, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: *Provided further*, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

(5) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(6) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(7) Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.

(8) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(9) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

(10) By rule or regulation promulgated upon the advice of the director of community development, through the director of fire protection, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

(11) Hear and decide appeals as otherwise provided by law.

The state board of education is given the authority to promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools. [1986 c 266 § 86; 1986 c 149 § 3; 1984 c 40 § 2; 1979 ex.s. c 173 § 1; 1975-'76 2nd ex.s. c 92 § 1; 1975 1st ex.s. c 275 § 50; 1974 ex.s. c 92 § 1; 1971 ex.s. c 215 § 1; 1971 c 48 § 2; 1969 ex.s. c 223 §

28A.04.120. Prior: 1963 c 32 § 1; 1961 c 47 § 1; prior: (i) 1933 c 80 § 1; 1915 c 161 § 1; 1909 c 97 p 236 § 5; 1907 c 240 § 3; 1903 c 104 § 12; 1897 c 118 § 27; 1895 c 150 § 1; 1890 p 352 § 8; Code 1881 § 3165; RRS § 4529. (ii) 1919 c 89 § 3; RRS § 4684. (iii) 1909 c 97 p 238 § 6; 1897 c 118 § 29; RRS § 4530. Formerly RCW 28.04.120, 28.58.280, 28.58.281, 28.58.282, 43.63.140.]

**Reviser's note:** This section was amended by 1986 c 149 § 3 and by 1986 c 266 § 86, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Severability—1986 c 266:** See note following RCW 38.52.005.

**Severability—1984 c 40:** See note following RCW 28A.02.250.

**Severability—1975-'76 2nd ex.s. c 92:** "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 92 § 6.]

*Professional certification not to be required of superintendents, deputy or assistant superintendents:* RCW 28A.02.260.

*Use of force on children—Policy—Actions presumed unreasonable:* RCW 9A.16.100.

**28A.04.287 Accreditation standards for pre-schools—Board to establish standards and procedures.** See RCW 28A.34.120.

## Chapter 28A.05 COMPULSORY COURSES

### Sections

28A.05.010 Common school curriculum—Fundamentals in conduct.

**28A.05.010 Common school curriculum—Fundamentals in conduct.** All common schools shall give instruction in reading, penmanship, orthography, written and mental arithmetic, geography, English grammar, physiology and hygiene with special reference to the effects of alcoholic stimulants and narcotics on the human system, the history of the United States, and such other studies as may be prescribed by rule or regulation of the state board of education. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise, and the worth of kindness to all living creatures. The prevention of child abuse may be offered as part of the curriculum in the common schools. [1986 c 149 § 4; 1969 c 71 § 3; 1969 ex.s. c 223 § 28A.05.010. Prior: 1909 p 262 § 2; RRS § 4681; prior: 1897 c 118 § 65; 1895 c 5 § 1; 1890 p 372 § 45; 1886 p 19 § 52. Formerly RCW 28.05.010 and 28.05.020.]

## Chapter 28A.08 TRAFFIC SAFETY EDUCATION COURSES

### Sections

28A.08.080 Information on proper use of left-hand lane.

**28A.08.080 Information on proper use of left-hand lane.** The superintendent of public instruction shall include information on the proper use of the left-hand lane on multilane highways in instructional material used in traffic safety education courses. [1986 c 93 § 4.]

*Keep right except when passing, etc: RCW 46.61.100.*

## Chapter 28A.24

### SCHOOL TRANSPORTATION

#### Sections

- 28A.24.055 Operation of student transportation program—Responsibility of local district—Scope—Transporting of elderly—Insurance.
- 28A.24.172 School buses, rental or lease for emergency purposes—Board to determine district policy—Conditions if rent or lease.

*School bus maintenance agreements between private schools and joint purchasing agencies: RCW 28A.58.107.*

**28A.24.055 Operation of student transportation program—Responsibility of local district—Scope—Transporting of elderly—Insurance.** The operation of each local school district's student transportation program is declared to be the responsibility of the respective board of directors, and each board of directors shall determine such matters as which individual students shall be transported and what routes shall be most efficiently utilized. State moneys allocated to local districts for student transportation shall be spent only for student transportation activities, but need not be spent by the local district in the same manner as calculated and allocated by the state.

A school district is authorized to provide for the transportation of students enrolled in the school or schools of the district both in the case of students who reside within the boundaries of the district and of students who reside outside the boundaries of the district.

When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts.

School districts may use school buses and drivers hired by the district or commercial chartered bus service for the transportation of school children and the school employees necessary for their supervision to and from any school activities within or without the school district during or after school hours and whether or not a required school activity, so long as the school board has officially designated it as a school activity. For any extra-curricular uses, the school board shall charge an amount sufficient to reimburse the district for its cost.

In addition to the right to contract for the use of buses provided in RCW 28A.24.170 and 28A.24.172, any school district may contract to furnish the use of school buses of that district to other users who are engaged in conducting an educational or recreational program supported wholly or in part by tax funds or programs for elderly persons at times when those buses

are not needed by that district and under such terms as will fully reimburse such school district for all costs related or incident thereto: *Provided, however,* That no such use of school district buses shall be permitted except where other public or private transportation certificated or licensed by the Washington utilities and transportation commission is not reasonably available to the user: *Provided further,* That no user shall be required to accept any charter bus for services which the user believes might place the health or safety of the children or elderly persons in jeopardy.

Whenever any persons are transported by the school district in its own motor vehicles and by its own employees, the board may provide insurance to protect the district against loss, whether by reason of theft, fire or property damage to the motor vehicle or by reason of liability of the district to persons from the operation of such motor vehicle.

The board may provide insurance by contract purchase for payment of hospital and medical expenses for the benefit of persons injured while they are on, getting on, or getting off any vehicles enumerated herein without respect to any fault or liability on the part of the school district or operator. This insurance may be provided without cost to the persons notwithstanding the provisions of RCW 28A.58.420.

If the transportation of children or elderly persons is arranged for by contract of the district with some person, the board may require such contractor to procure such insurance as the board deems advisable. [1986 c 32 § 1; 1983 1st ex.s. c 61 § 1; 1981 c 265 § 10; 1980 c 122 § 2; 1973 c 45 § 1; 1971 c 24 § 3; 1969 ex.s. c 153 § 3; 1969 ex.s. c 223 § 28A.24.055. Prior: (i) 1969 c 53 § 1; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part; prior: 1943 c 52 § 1, part; 1941 c 179 § 1, part; 1939 c 131 § 1, part; 1925 ex.s. c 57 § 1, part; 1919 c 90 § 3, part; 1915 c 44 § 1, part; 1909 c 97 p 285 § 2, part; 1907 c 240 § 5, part; 1903 c 104 § 17, part; Rem. Supp. 1943 § 4776, part. Formerly RCW 28.58.100, part. (ii) 1965 ex.s. c 86 § 1. Formerly RCW 28.58.421.]

**Severability—1983 1st ex.s. c 61:** "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." [1983 1st ex.s. c 61 § 9.]

**Effective date—Severability—1981 c 265:** See notes following RCW 28A.41.505.

*Elderly persons defined—Program limitation: RCW 28A.24.120.*

**28A.24.172 School buses, rental or lease for emergency purposes—Board to determine district policy—Conditions if rent or lease.** Each school district board shall determine its own policy as to whether or not its school buses will be rented or leased for the purposes of RCW 28A.24.170, and if the board decision is to rent or lease, under what conditions, subject to the following:

(1) Such renting or leasing may take place only after the state director of community development or any of his or her agents so authorized has, at the request of an

involved governmental agency, declared that an emergency exists in a designated area insofar as the need for additional transport is concerned.

(2) The agency renting or leasing the school buses must agree, in writing, to reimburse the school district for all costs and expenses related to their use and also must provide an indemnity agreement protecting the district against any type of claim or legal action whatsoever, including all legal costs incident thereto. [1986 c 266 § 21; 1985 c 7 § 88; 1974 ex.s. c 171 § 1; 1971 c 24 § 2.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

### Chapter 28A.27

## COMPULSORY SCHOOL ATTENDANCE

#### Sections

28A.27.010	Attendance mandatory—Age—Persons having custody shall cause child to attend public school—Child responsible for attending school—Exceptions—Excused temporary absences.
28A.27.020	School's duties upon juvenile's failure to attend school—Generally.
28A.27.022	Petition to juvenile court for violations by a parent or child—Applicability of chapter.
28A.27.040	Attendance enforcement officers—Authority—Record and report.
28A.27.100	Penalties in general—Defense—Suspension of fine—Complaints to court.
28A.27.110	Prosecuting attorney or attorney for district to act for complainant.
28A.27.140	Reports by school district attendance officers—Compilation of information and reports.

**28A.27.010 Attendance mandatory—Age—Persons having custody shall cause child to attend public school—Child responsible for attending school—Exceptions—Excused temporary absences.** (1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW 28A.02.201(4);

(b) The child is receiving home-based instruction as provided in subsection (4) of this section; or

(c) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: *Provided*, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: *Provided further*, That students excused for such temporary absences may be claimed as full time equivalent students to the extent they would otherwise have been so claimed for the purposes of

RCW 28A.41.130 and 28A.41.140, as now or hereafter amended, and shall not affect school district compliance with the provisions of RCW 28A.58.754, as now or hereafter amended;

(d) The child is fifteen years of age or older and:

(i) The school district superintendent determines that such child has already attained a reasonable proficiency in the branches required by law to be taught in the first nine grades of the public schools of this state;

(ii) The child is regularly and lawfully engaged in a useful or remunerative occupation;

(iii) The child has already met graduation requirements in accordance with state board of education rules and regulations; or

(iv) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.04.135.

(2) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

(3) An approved private school for the purposes of this chapter shall be one approved under regulations established by the state board of education pursuant to RCW 28A.04.120 as now or hereafter amended.

(4) For the purposes of this chapter, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.02.201 and 28A.02.240 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter shall be a person certified under chapter 28A.70 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

(5) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting.

Therefore, the provisions of subsection (4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed. [1986 c 132 § 1; 1985 c 441 § 1; 1980 c 59 § 1; 1979 ex.s. c 201 § 4; 1973 c 51 § 1; 1972 ex.s. c 10 § 2. Prior: 1971 ex.s. c 215 § 2; 1971 ex.s. c 51 § 1; 1969 ex.s. c 109 § 2; 1969 ex.s. c 223 § 28A.27.010; prior: 1909 p 364 § 1; RRS § 5072; prior: 1907 c 240 § 7; 1907 c 231 § 1; 1905 c 162 § 1; 1903 c 48 § 1; 1901 c 177 § 11; 1899 c 140 § 1; 1897 c 118 § 71. Formerly RCW 28.27.010.]

**Severability—1985 c 441:** "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." [1985 c 441 § 6.]

**Severability—1973 c 51:** "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 51 § 5.]

*Private schools: RCW 28A.04.120(4), 28A.02.201 and 28A.02.220 through 28A.02.250.*

*Work permits for minors required: RCW 49.12.123.*

**28A.27.020 School's duties upon juvenile's failure to attend school—Generally.** If a juvenile required to attend school under the laws of the state of Washington fails to attend school without valid justification recurrently or for an extended period of time, the juvenile's school, where appropriate, shall:

(1) Inform the juvenile's custodial parent, parents or guardian by a notice in writing in English and, if different, in the primary language of the custodial parent, parents or guardian and by other means reasonably necessary to achieve notice of the fact that the juvenile has failed to attend school without valid justification recurrently or for an extended period of time;

(2) Schedule a conference or conferences with the custodial parent, parents or guardian and juvenile at a time and place reasonably convenient for all persons included for the purpose of analyzing the causes of the juvenile's absences; and

(3) Take steps to eliminate or reduce the juvenile's absences. These steps shall include, where appropriate, adjusting the juvenile's school program or school or course assignment, providing more individualized or remedial instruction, preparing the juvenile for employment with specific vocational courses or work experience, or both, and assisting the parent or student to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. [1986 c 132 § 2; 1979 ex.s. c 201 § 1.]

**28A.27.022 Petition to juvenile court for violations by a parent or child—Applicability of chapter.** If action taken by a school pursuant to RCW 28A.27.020 is not successful in substantially reducing a student's absences from school, any of the following actions may be taken: (1) The attendance officer of the school district through its attorney may petition the juvenile court to assume jurisdiction under this chapter for the purpose of alleging a violation of RCW 28A.27.010 by the parent;

or (2) a petition alleging a violation of RCW 28A.27.010 by a child may be filed with the juvenile court by the parent of such child or by the attendance officer of the school district through its attorney at the request of the parent. If the court assumes jurisdiction in such an instance, the provisions of this chapter, except where otherwise stated, shall apply. [1986 c 132 § 3; 1979 ex.s. c 201 § 2.]

**28A.27.040 Attendance enforcement officers—Authority—Record and report.** To aid in the enforcement of RCW 28A.27.010 through 28A.27.130, attendance officers shall be appointed and employed as follows: In incorporated city districts the board of directors shall annually appoint one or more attendance officers. In all other districts the educational service district superintendent shall appoint one or more attendance officers or may act as such himself.

The compensation of attendance officer in city districts shall be fixed and paid by the board appointing him. The compensation of attendance officers when appointed by the educational service district superintendents shall be paid by the respective districts. An educational service district superintendent shall receive no extra compensation if acting as attendance officer.

Any sheriff, constable, city marshal or regularly appointed policeman may be appointed attendance officer.

The attendance officer shall be vested with police powers, the authority to make arrests and serve all legal processes contemplated by RCW 28A.27.010 through 28A.27.130, and shall have authority to enter all places in which children may be employed, for the purpose of making such investigations as may be necessary for the enforcement of RCW 28A.27.010 through 28A.27.130. The attendance officer is authorized to take into custody the person of any child eight years of age and not over fourteen years of age, who may be a truant from school, and to conduct such child to his parents, for investigation and explanation, or to the school which he should properly attend. The attendance officer shall institute proceedings against any officer, parent, guardian, person, company or corporation violating any provisions of RCW 28A.27.010 through 28A.27.130, and shall otherwise discharge the duties prescribed in RCW 28A.27.010 through 28A.27.130, and shall perform such other services as the educational service district superintendent or the superintendent of any school or its board of directors may deem necessary. However, the attendance officer shall not institute proceedings against the child under RCW 28A.27.022 except as set forth under RCW 28A.27.022.

The attendance officer shall keep a record of his transactions for the inspection and information of any school district board of directors, the educational service district superintendent or the city superintendent, and shall make a detailed report to the city superintendent or the educational service district superintendent as often as the same may be required. [1986 c 132 § 4; 1975 1st ex.s. c 275 § 56; 1971 c 48 § 9; 1969 ex.s. c 176 § 105; 1969 ex.s. c 223 § 28A.27.040. Prior: 1909 c 97 p 365 §

4; RRS § 5075; prior: 1907 c 231 § 4; 1905 c 162 § 4. Formerly RCW 28.27.040, 28.27.050 and 28.27.060.]

**Severability**—1971 c 48: See note following RCW 28A.04.040.

**Rights preserved**—**Severability**—1969 ex.s. c 176: See notes following RCW 28A.21.010.

**28A.27.100 Penalties in general—Defense—Suspension of fine—Complaints to court.** Any person violating any of the provisions of either RCW 28A.27.010 or 28A.27.090 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. However, a child found to be in violation of RCW 28A.27.010 shall be required to attend school and shall not be fined. Failure by a child to comply with an order issued under this section shall not be punishable by detention for a period greater than that permitted pursuant to a contempt proceeding against a child under chapter 13.32A RCW. It shall be a defense for a parent charged with violating RCW 28A.27.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the juvenile's school did not perform its duties as required in RCW 28A.27.020. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.27.010 shall participate with the school and the juvenile in a supervised plan for the juvenile's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

Attendance officers shall make complaint for violation of the provisions of RCW 28A.27.010 through 28A.27.130 to a justice of the peace, justice court judge or to a judge of the superior court. [1986 c 132 § 5; 1979 ex.s. c 201 § 6; 1969 ex.s. c 223 § 28A.27.100. Prior: 1909 c 97 p 365 § 3; RRS § 5074; prior: 1907 c 231 § 3; 1905 c 162 § 3. Formerly RCW 28.27.100.]

**28A.27.110 Prosecuting attorney or attorney for district to act for complainant.** The county prosecuting attorney or the attorney for the school district shall act as attorney for the complainant in all court proceedings relating to the compulsory attendance of children as required by RCW 28A.27.010 through 28A.27.130 except for those petitions filed against a child by the parent without the assistance of the school district. [1986 c 132 § 6; 1979 ex.s. c 201 § 7; 1969 ex.s. c 223 § 28A.27.110. Prior: 1909 c 97 p 367 § 8; RRS § 5079; prior: 1901 c 177 § 19; 1899 c 142 § 25; 1897 c 118 § 177; 1890 p 382 § 83. Formerly RCW 28.27.110.]

**28A.27.140 Reports by school district attendance officers—Compilation of information and reports.** The school district attendance officer shall report biannually to the educational service district superintendent, in the instance of petitions filed alleging a violation by a child under RCW 28A.27.022:

(1) The number of petitions filed by a school district or by a parent;

(2) The frequency of each action taken under RCW 28A.27.020 prior to the filing of such petition;

(3) When deemed appropriate under RCW 28A.27.020, the frequency of delivery of supplemental services; and

(4) Disposition of cases filed with the juvenile court, including the frequency of contempt orders issued to enforce a court's order under RCW 28A.27.100.

The educational service district superintendent shall compile such information and report annually to the superintendent of public instruction. The superintendent of public instruction shall compile such information and report to the committees of the house of representatives and the senate by January 1, 1988. [1986 c 132 § 7.]

## Chapter 28A.34

### NURSERY SCHOOLS AND PRESCHOOLS

#### Sections

28A.34.100	Voluntary accreditation for preschools—Intent.
28A.34.110	Definition of preschool.
28A.34.120	Standards for accreditation—Option to establish advisory committee.
28A.34.130	Voluntary accreditation of preschools—Prohibited practices by public or nonpublic entities.

**28A.34.100 Voluntary accreditation for preschools—Intent.** The legislature intends to establish a process for public or nonpublic preschool programs to seek voluntarily accreditation, by the state board of education, of their child development and educational offerings. The purpose of the accreditation is to give parents and other consumers of preschool programs some standard to use to assess the quality of preschool programs. [1986 c 150 § 1.]

**28A.34.110 Definition of preschool.** Unless the context clearly indicates otherwise, the definition used in this section shall apply throughout this chapter.

"Preschool" means educational programs that emphasize readiness skills and that enroll children of preschool age on a regular basis for four hours per day or less. [1986 c 150 § 2.]

**28A.34.120 Standards for accreditation—Option to establish advisory committee.** The state board of education shall establish standards and procedures for the accreditation of all public and nonpublic preschools. Such schools are hereby encouraged to apply for such accreditation. In developing standards, the state board of education shall use nationally developed standards if, in the judgment of the state board of education, such national standards adequately protect the children and parents who are the consumers of preschool education. If the state board of education establishes an advisory committee to assist in the development or selection of standards, at least one member of the advisory committee shall represent private preschools. [1986 c 150 § 3.]

**28A.34.130 Voluntary accreditation of preschools—Prohibited practices by public or nonpublic entities.** No public or nonpublic entity may advertise that it has an accredited preschool unless its educational program has been accredited under this chapter. Any



person with a pecuniary interest in the operation of a preschool who intentionally and falsely advertises that such preschool is accredited by the state board of education shall be guilty of a misdemeanor, the fine for which shall be no more than one hundred dollars. Each day that the violation continues shall be considered a separate violation. [1986 c 150 § 4.]

## Chapter 28A.34A EARLY CHILDHOOD ASSISTANCE

### Sections

- 28A.34A.010 Intent.
- 28A.34A.020 Definitions.
- 28A.34A.030 Department of community development to administer program—Admission and funding.
- 28A.34A.040 Approved preschool programs—Entities eligible to conduct—Use of funds—Requirements for applicants.
- 28A.34A.050 Advisory committee—Composition.
- 28A.34A.060 Rules.
- 28A.34A.070 Review of applications—Designation of programs.
- 28A.34A.080 Governor's report.
- 28A.34A.090 State support—Priorities—Program funding levels.
- 28A.34A.100 Expenses of advisory committee—Reimbursement.
- 28A.34A.110 Authority to solicit gifts, grants, and support.
- 28A.34A.900 Contingency—Effective date—1985 c 418.
- 28A.34A.902 Expiration—1985 c 418.
- 28A.34A.904 Short title—1985 c 418.
- 28A.34A.906 Severability—1985 c 418.

*Department of community development: Chapter 43.63A RCW.*

**28A.34A.010 Intent.** It is the intent of the legislature to establish a preschool state education and assistance program. This special assistance program is a voluntary enrichment program to help prepare some children to enter the common school system and shall be offered only as funds are available. This program is not a part of the basic program of education which must be fully funded by the legislature under Article IX, section 1 of the state Constitution. [1985 c 418 § 1.]

**28A.34A.020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advisory committee" means the advisory committee under RCW 28A.34A.050.

(2) "At risk" means a child at least four years of age and not eligible for kindergarten whose family circumstances would qualify that child for eligibility under the federal head start program.

(3) "Department" means the department of community development.

(4) "Eligible child" means an at-risk child as defined in this section who is not a participant in a federal or state program providing like educational services and may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the preschool program.

(5) "Approved preschool programs" means those state-supported education and special assistance programs which are recognized by the department of community development as meeting the minimum program

rules adopted by the department to qualify under this chapter and are designated as eligible for funding by the department under RCW 28A.34A.070 and 28A.34A.090. [1985 c 418 § 2.]

**28A.34A.030 Department of community development to administer program—Admission and funding.** The department of community development shall administer a state-supported preschool education and assistance program to assist eligible children with educational, social, health, nutritional, and cultural development to enhance their opportunity for success in the common school system. Eligible children shall be admitted to approved preschool programs to the extent that the legislature provides funds. [1985 c 418 § 3.]

**28A.34A.040 Approved preschool programs—Entities eligible to conduct—Use of funds—Requirements for applicants.** Approved preschool programs shall receive state-funded support through the department. School districts, and existing head start grantees in cooperation with school districts, are eligible to participate as providers of the state preschool program. School districts may contract with other governmental or nongovernmental nonsectarian organizations to conduct a portion of the state program. Funds appropriated for the state program shall be used to establish new or expanded preschool programs, and shall not be used to supplant federally supported head start programs. Persons applying to conduct the preschool program shall identify targeted groups to be served, program components, the qualifications of instructional and special staff, facilities and equipment support, and transportation and personal care arrangements. [1985 c 418 § 4.]

**28A.34A.050 Advisory committee—Composition.** The department shall establish an advisory committee composed of interested parents and representatives from the state board of education, the office of the superintendent of public instruction, the division of children and family services within the department of social and health services, early childhood education and development staff preparation programs, the head start programs, school districts, and such other organizations as deemed necessary by the department to assist with the establishment of the preschool program. [1985 c 418 § 5.]

**28A.34A.060 Rules.** The department shall adopt rules under chapter 34.04 RCW for the establishment of the preschool program, not later than six months after the effective date of this act. Federal head start program criteria, to the extent practicable, shall be considered as guidelines for the state preschool early childhood assistance program.

The department in developing rules for the preschool program shall consult with the advisory committee, and shall consider such factors as coordination with existing head start and other preschool programs, the preparation necessary for instructors, qualifications of instructors,

adequate space and equipment, and special transportation needs. The rules shall specifically require the preschool programs to provide for parental involvement at a level not less than that provided under the federal head start program criteria. [1985 c 418 § 6.]

**\*Reviser's note:** For the effective date of this act (1985 c 418), see RCW 28A.34A.900.

**28A.34A.070 Review of applications—Designation of programs.** The department shall review applications received within nine months after \*the effective date of this act, and designate those programs eligible to commence operation within two months of such date. [1985 c 418 § 7.]

**\*Reviser's note:** For the effective date of this act (1985 c 418), see RCW 28A.34A.900.

**28A.34A.080 Governor's report.** The governor shall report to the legislature before the convening of the regular session of the legislature which commences after at least a year from \*the effective date of this act, on the merits of continuing and expanding the preschool program or instituting other means of providing early childhood development assistance. The office of the superintendent of public instruction shall assist the governor in the preparation of the report and shall be consulted on all issues addressed in said report. This report shall consider the experiences of federal and state preschool programs and address the preschool education recommendations submitted to the legislature during 1985.

If the governor recommends the continuation of a state-funded preschool program, then the governor's report shall include specific recommendations on at least the following issues:

(1) The desired relationships of a state-funded preschool education and assistance program with the common school system;

(2) The types of children and their needs that the program should serve;

(3) The appropriate level of state support for implementing a comprehensive preschool education and assistance program for all eligible children, including related programs to prepare instructors and provide facilities, equipment, and transportation;

(4) The state administrative structure necessary to implement the program; and

(5) The establishment of a system to examine and monitor the effectiveness of preschool educational and assistance services for disadvantaged children to measure, among other elements, if possible, how the children completing this program compare to the average level of performance of all state students in their grade level, and to those at-risk students who do not have access to this program. The evaluation system shall examine how the percentage of these children needing access to special education or remedial programs compares to the overall percentage of children needing such services and compares to the percentage of at-risk students who do not have access to this program needing such services. [1985 c 418 § 8.]

**\*Reviser's note:** For the effective date of this act (1985 c 418), see RCW 28A.34A.900.

**28A.34A.090 State support—Priorities—Program funding levels.** For the duration of \*this act, the department may award state support under RCW 28A.34A.010 through 28A.34A.070 to increase the numbers of eligible children assisted by the federal or state-supported preschool programs in this state by up to five thousand additional children. Priority shall be given to groups in those geographical areas which include a high percentage of families qualifying under the federal "at risk" criteria. The overall program funding level shall be based on an average grant of no more than two thousand seven hundred dollars per child to cover all program costs: *Provided*, That programs addressing special needs of selected groups or communities shall be recognized in the department's rules. [1985 c 418 § 9.]

**\*Reviser's note:** "This act" consists of the enactment of RCW 28A.34A.010 through 28A.34A.906 by 1985 c 418.

**28A.34A.100 Expenses of advisory committee—Reimbursement.** The department from funds appropriated for the administration of the program under this act shall reimburse the expenses of the advisory committee. [1985 c 418 § 10.]

**28A.34A.110 Authority to solicit gifts, grants, and support.** The department may solicit gifts, grants, conveyances, bequests and devises for the use or benefit of the preschool state education and assistance program established by \*this act. The department shall actively solicit support from business and industry and from the federal government for the preschool state education and assistance program. [1985 c 418 § 11.]

**\*Reviser's note:** "This act" consists of the enactment of RCW 28A.34A.010 through 28A.34A.906 by 1985 c 418.

**28A.34A.900 Contingency—Effective date—1985 c 418.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, this act shall be null and void. This act shall be of no effect until such specific funding is provided. If such funding is so provided, this act shall take effect when the legislation providing the funding takes effect. [1985 c 418 § 12.]

**Reviser's note:** (1) 1986 c 312 § 211 provides specific funding for the purposes of this act.

(2) 1986 c 312 took effect April 4, 1986.

**28A.34A.902 Expiration—1985 c 418.** Sections 1 through 11 of this act shall expire two years after \*the effective date of this act. [1985 c 418 § 15.]

**\*Reviser's note:** For the effective date of this act (1985 c 418), see RCW 28A.34A.900.

**28A.34A.904 Short title—1985 c 418.** This act shall be known as the early childhood assistance act of 1985. [1985 c 418 § 13.]

**28A.34A.906 Severability—1985 c 418.** 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. [1985 c 418 § 14.]

### Chapter 28A.41

## STATE GENERAL FUND SUPPORT TO PUBLIC SCHOOLS—SCHOOL DISTRICT REIMBURSEMENT PROGRAMS

### Sections

28A.41.130 Annual basic education allocation of funds according to average FTE student enrollment—Student/teacher ratio standard. (Effective September 1, 1987.)

**28A.41.130 Annual basic education allocation of funds according to average FTE student enrollment—Student/teacher ratio standard.** (Effective September 1, 1987.) From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education an amount which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.02.300 and 28A.02.310, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full time equivalent student enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.58.754, as now or hereafter amended.

Basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW 28A.41.130 and 28A.41.140 to fund those program requirements identified in RCW 28A.58.754 in accordance with the formula and ratios provided in RCW 28A.41.140.

Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above for such district: *Provided*, That for the purposes of this section, "classroom teacher" shall be defined as an instructional employee possessing at least a provisional certificate, but not necessarily employed as a certificated employee, whose primary duty is the daily educational instruction of students: *Provided further*, That the state board of education shall adopt rules and regulations to insure compliance with the student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school

districts which may be deemed unable to practicably meet the student/teacher ratio requirements of this section by virtue of a small number of students.

If a school district's basic education program fails to meet the basic education requirements enumerated in RCW 28A.41.130, 28A.41.140 and 28A.58.754, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured: *Provided*, That the state board of education may waive this requirement in the event of substantial lack of classroom space. [1986 c 144 § 1; 1983 c 3 § 30; 1982 c 158 § 3; 1982 c 158 § 2; 1980 c 154 § 12; 1979 ex.s. c 250 § 2; 1977 ex.s. c 359 § 4; 1975 1st ex.s. c 211 § 1; 1973 2nd ex.s. c 4 § 1; 1973 1st ex.s. c 195 § 9; 1973 c 46 § 2. See also 1973 1st ex.s. c 195 §§ 136, 137, 138 and 139. Prior: 1972 ex.s. c 124 § 1; 1972 ex.s. c 105 § 2; 1971 ex.s. c 294 § 19; 1969 c 138 § 2; 1969 ex.s. c 223 § 28A.41.130; prior: 1967 ex.s. c 140 § 3; 1965 ex.s. c 171 § 1; 1965 ex.s. c 154 § 2; prior: (i) 1949 c 212 § 1, part; 1945 c 141 § 4, part; 1923 c 96 § 1, part; 1911 c 118 § 1, part; 1909 c 97 p 312 §§ 7–10, part; Rem. Supp. 1949 § 4940–4, part. (ii) 1949 c 212 § 2, part; 1945 c 141 § 5, part; 1909 c 97 p 312 §§ 7–10, part; Rem. Supp. 1949 § 4940–5, part. Formerly RCW 28.41.130.]

**Effective date—1986 c 144:** "Section 1 of this act shall be effective September 1, 1987." [1986 c 144 § 2.]

**Severability—1982 c 158:** See note following RCW 28A.58.754.

**Purpose—Effective dates—Savings—Disposition of certain funds—Severability—1980 c 154:** See notes following chapter 82-.45 RCW digest.

**Effective date—Severability—1979 ex.s. c 250:** See notes following RCW 28A.58.754.

**Effective date—Severability—1977 ex.s. c 359:** See notes following RCW 28A.58.750.

**Emergency—Effective date—1973 2nd ex.s. c 4:** See notes following RCW 84.52.043.

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

**Effective date—1972 ex.s. c 124:** "This 1972 amendatory act is necessary for the immediate preservation of the public peace, health and safety and the support of the state government and its existing public institutions, and sections 2, 3, 4, 6, 7 and 11 shall take effect immediately; sections 1, 8, 9 and 10 hereof shall take effect July 1, 1973; and section 5 hereof shall take effect July 1, 1974." [1972 ex.s. c 124 § 12.] Sections 2, 3, 4, 6, 7 and 11 are codified as RCW 28A.44-.085, 28A.44.080, 28A.44.090, 28A.44.110, 28A.44.120 and 28A.44-.130, respectively; sections 1, 8 and 10 are codified as RCW 28A.41.130, 84.52.050 and 28A.48.110, respectively; section 9 is the repeal of RCW 28A.44.050; and section 5 is codified as RCW 28A.44.100.

**Severability—1972 ex.s. c 124:** "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 124 § 13.]

**Effective date—1972 ex.s. c 105:** "This act except for section 4 will take effect July 1, 1973." [1972 ex.s. c 105 § 5.] Section 4 is codified as RCW 28A.41.170.

**Severability—1972 ex.s. c 105:** "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 105 § 6.]

*Basic Education Act of 1977, RCW 28A.41.130 as part of: RCW 28A.58.750.*

*Distribution of forest reserve funds—As affects basic education allocation: RCW 28A.02.310.*

### Chapter 28A.57

## ORGANIZATION AND REORGANIZATION OF SCHOOL DISTRICTS

#### Sections

28A.57.322 Directors—Oath of office.

**28A.57.322 Directors—Oath of office.** Every person elected or appointed to the office of school director, before entering upon the discharge of the duties thereof, shall take an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of his office according to the best of his ability. In case any official has a written appointment or commission, his oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officials are hereby authorized to administer all oaths or affirmations pertaining to their respective offices without charge or fee. All oaths of office, when properly made, shall be filed with the county auditor. [1986 c 167 § 16; 1969 ex.s. c 223 § 28A.57.322. Prior: 1909 c 97 p 288 § 11; RRS § 4786; prior: 1897 c 118 § 61; 1890 p 380 § 70. Formerly RCW 28.58.095; 28.63.015; 28.63.017; 42.04.030.]

**Severability—1986 c 167:** See note following RCW 29.01.055.

### Chapter 28A.58

## PROVISIONS APPLICABLE TO ALL SCHOOL DISTRICTS

#### Sections

- 28A.58.087 Dropout statistics—Reporting requirements—Rules—Reports to legislature.
- 28A.58.090 Student learning objectives—Program identifying and establishing, scope—Review and reports.
- 28A.58.107 Commencement exercises—Lip reading instruction—Joint purchasing, including issuing interest bearing warrants and agreements with private schools—Budgets.
- 28A.58.190 Qualification for admission to district's schools—Fees for preadmission screening.

*Employee suggestion awards: RCW 28A.02.320 and 28A.02.325.*

**28A.58.087 Dropout statistics—Reporting requirements—Rules—Reports to legislature.** (1) Beginning with the 1986–87 school year, school districts shall be required to report annually to the superintendent of public instruction:

(a) Dropout rates of students in each of the grades nine through twelve;

(b) Dropout rates for student populations, by ethnicity, in each of the grades nine through twelve; and

(c) The causes or reasons, or both, attributed to students for having dropped out of school in grades nine through twelve.

(2) The superintendent of public instruction shall adopt rules under chapter 34.04 RCW to assure uniformity in the information districts are required to report under subsection (1) of this section. In developing rules, the superintendent of public instruction shall consult with school districts, including administrative and counseling personnel, with regard to the methods through which information is to be collected and reported.

(3) In reporting on the causes or reasons, or both, attributed to students for having dropped out of school, school building officials shall, to the extent reasonably practical, obtain such information directly from students. In lieu of obtaining such information directly from students, building principals and counselors shall identify the causes or reasons, or both, based on their professional judgment.

(4) Beginning with the 1987 legislative session, the superintendent of public instruction shall report annually to the legislature the information collected under subsection (1) of this section. Beginning with the 1991 legislative session, the report shall include the number of students in the ninth through twelfth grades who drop out of school over a four-year period. [1986 c 151 § 1.]

**28A.58.090 Student learning objectives—Program identifying and establishing, scope—Review and reports.** Every school district board of directors, being accountable to the citizens within its district as to the education offered to the students therein, shall, based on the timeline established by the superintendent of public instruction, develop a program identifying student learning objectives for their district in all courses of study included in the school district programs. The school district must evidence community participation in defining the objectives of such a program. The program of student learning objectives shall assure that the district's resources in the educational program, such as money, facilities, time, materials and personnel, are used so as to provide both economies in management and operation, and quality education in all subject areas and courses. The learning objectives shall be measurable as to the actual student attainment; student attainment shall be locally assessed annually. The student learning objectives program shall be reviewed at least every two years. However, a school district may instead provide for the periodic review of all or a part of its student learning objectives program in accordance with the time schedule the district has established for the periodic review of curriculum or the periodic review and selection of textbooks, or in accordance with the time schedule for self-study as provided under RCW 28A.58.085, if and to the extent the curriculum or textbook review processes include the review or self-study of the district's student learning objectives program. Periodic review shall take place at least every seven years. In developing and reviewing the learning objectives, districts shall give specific attention to improving the depth of course content within courses and in coordinating the sequence in which subject matter is presented.

The superintendent of public instruction shall review implementation of the learning objectives law biennially

and shall submit a report of such review to the legislature on or before January 1 of each odd-numbered year.

The state board of education shall examine the programs in each school district in the state for reasons of program approval as required in accordance with RCW 28A.41.130, as now or hereafter amended.

School districts may obtain assistance in carrying out their duties under this section from the educational service district of which they are a part. [1986 c 137 § 1; 1984 c 278 § 3; 1977 ex.s. c 305 § 1; 1975-'76 2nd ex.s. c 90 § 1.]

**Severability—1984 c 278:** See note following RCW 28A.58.094.

*Summary of program objectives to be included in guide: RCW 28A.58.758.*

**28A.58.107 Commencement exercises—Lip reading instruction—Joint purchasing, including issuing interest bearing warrants and agreements with private schools—Budgets.** Every board of directors, unless otherwise specifically provided by law, shall:

(1) Provide for the expenditure of a reasonable amount for suitable commencement exercises;

(2) In addition to providing free instruction in lip reading for children handicapped by defective hearing, make arrangements for free instruction in lip reading to adults handicapped by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned;

(3) Join with boards of directors of other school districts or an educational service district pursuant to RCW 28A.21.086(3), as now or hereafter amended, or both such school districts and educational service district in buying supplies, equipment and services by establishing and maintaining a joint purchasing agency, or otherwise, when deemed for the best interests of the district, any joint agency formed hereunder being herewith authorized and empowered to issue interest bearing warrants in payment of any obligation owed: *Provided, however,* That those agencies issuing interest bearing warrants shall assign accounts receivable in an amount equal to the amount of the outstanding interest bearing warrants to the county treasurer issuing such interest bearing warrants: *Provided further,* That the joint purchasing agency shall consider the request of any one or more private schools requesting the agency to jointly buy supplies, equipment, and services including but not limited to school bus maintenance services, and, after considering such request, may cooperate with and jointly make purchases with private schools of supplies, equipment, and services, including but not limited to school bus maintenance services, so long as such private schools pay in advance their proportionate share of the costs or provide a surety bond to cover their proportionate share of the costs involved in such purchases;

(4) Consider the request of any one or more private schools requesting the board to jointly buy supplies, equipment and services including but not limited to school bus maintenance services, and, after considering such request, may provide such joint purchasing services: *Provided,* That such private schools pay in advance their

proportionate share of the costs or provide a surety bond to cover their proportionate share of the costs involved in such purchases; and

(5) Prepare budgets as provided for in chapter 28A.65 RCW. [1986 c 77 § 1; 1983 c 125 § 1; 1981 c 308 § 1; 1979 ex.s. c 66 § 2; 1971 c 26 § 1; 1969 c 53 § 2; 1969 ex.s. c 223 § 28A.58.107. Prior: 1969 c 53 § 1, part; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part; prior: 1943 c 52 § 1, part; 1941 c 179 § 1, part; 1939 c 131 § 1, part; 1925 ex.s. c 57 § 1, part; 1919 c 89 § 3, part; 1915 c 44 § 1, part; 1909 c 97 p 285 § 2, part; 1907 c 240 § 5, part; 1903 c 104 § 17, part; 1901 c 41 § 3, part; 1897 c 118 § 40, part; 1890 p 364 § 26, part; Rem. Supp. 1943 § 4776, part. Formerly RCW 28.58.100(7), (13) and (14).]

**Severability—1981 c 308:** "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." [1981 c 308 § 3.]

**Severability—1979 ex.s. c 66:** See note following RCW 28A.21.086.

**28A.58.190 Qualification for admission to district's schools—Fees for preadmission screening.** Except as otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than twenty-one years residing in that school district. Except as otherwise provided by law, the state board of education is hereby authorized to adopt rules in accordance with chapter 34.04 RCW which establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student. For the purpose of complying with any rule adopted by the state board of education which authorizes a preadmission screening process as a prerequisite to granting exceptions to the uniform entry qualifications, a school district may collect fees not to exceed seventy-five dollars per preadmission student to cover expenses incurred in the administration of such a screening process: *Provided,* That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees. [1986 c 166 § 1; 1979 ex.s. c 250 § 4; 1977 ex.s. c 359 § 14; 1969 ex.s. c 223 § 28A.58.190. Prior: 1909 c 97 p 261 § 1, part; RRS § 4680, part; prior: 1897 c 118 § 64, part; 1890 p 371 § 44, part. Formerly RCW 28.58.190 part, 28.01.060.]

**Effective date—Severability—1979 ex.s. c 250:** See notes following RCW 28A.58.754.

**Effective date—Severability—1977 ex.s. c 359:** See notes following RCW 28A.58.750.

*Basic Education Act of 1977, RCW 28A.58.190 as part of: RCW 28A.58.750.*

**Chapter 28A.61****WASHINGTON STATE SCHOOL DIRECTORS' ASSOCIATION**

## Sections

28A.61.070 Audit of staff classifications and employees' salaries—Contract with department of personnel—Copies.

**28A.61.070 Audit of staff classifications and employees' salaries—Contract with department of personnel—Copies.** The association shall contract with the department of personnel for the department of personnel to audit in odd-numbered years the association's staff classifications and employees' salaries. The association shall give copies of the audit reports to the office of financial management and the committees of each house of the legislature dealing with common schools. [1986 c 158 § 3; 1983 c 187 § 4.]

**Chapter 28A.67****TEACHERS—GENERAL PROVISIONS**

## Sections

28A.67.225 Minimum standards for evaluations—Superintendent of public instruction to develop minimum procedural standards and programs—Establishment and implementation of programs—Reports.

*Employee suggestion awards: RCW 28A.02.320 and 28A.02.325.*

**28A.67.225 Minimum standards for evaluations—Superintendent of public instruction to develop minimum procedural standards and programs—Establishment and implementation of programs—Reports.** (1) The superintendent of public instruction shall develop for field-test purposes, and in consultation with local school directors, administrators, parents, students, the business community, and teachers, minimum procedural standards for evaluations conducted pursuant to RCW 28A.67.065(1). The minimum procedural standards for evaluation shall be based on available research and shall include: (a) A statement of the purpose of evaluations; (b) the frequency of evaluations, with recognition of the need for more frequent evaluations for beginning teachers; (c) the conduct of the evaluation; (d) the procedure to be used in making the evaluation; and (e) the use of the results of the evaluation.

The superintendent of public instruction shall propose the minimum procedural standards for field tests not later than July 1, 1986.

(2) The superintendent of public instruction shall develop or purchase and conduct field tests in local districts during the 1987–88 school year model evaluation programs, including standardized evaluation instruments, which meet the minimum standards developed pursuant to subsection (1) of this section and the minimum criteria established pursuant to RCW 28A.67.065.

In consultation with school directors, administrators, parents, students, the business community, and teachers, the superintendent of public instruction shall consider a variety of programs such as programs providing for peer review and evaluation input by parents, input by students in appropriate circumstances, instructional assistance teams, and outside professional evaluation. Such programs shall include specific indicators of performance or detailed work expectations against which performance can be measured. The superintendent of public instruction shall compensate any district participating in such tests for the actual expenses incurred by the district.

(3) Not later than September 1, 1988, the superintendent of public instruction shall adopt state procedural standards and select from one to five model evaluation programs which may be used by local districts in conducting evaluations pursuant to RCW 28A.67.065(1). Local school districts shall establish and implement an evaluation program on or before September 1, 1989, by selecting one of the models approved by the superintendent of public instruction or by adopting an evaluation program pursuant to the bargaining process set forth in chapters 41.56 and 41.59 RCW. Local school districts may adopt an evaluation program which contains criteria and standards in excess of the minimum criteria and standards established by the superintendent of public instruction.

(4) The superintendent of public instruction shall report to the legislature on the progress of the development and field testing of minimum procedural standards and model evaluation programs on or before January 1, 1987, and January 1, 1988. [1986 c 73 § 1; 1985 c 420 § 7.]

**Contingency—Effective date—Severability—1985 c 420:** See notes following RCW 28A.67.205.

**Chapter 28A.87****OFFENSES RELATING TO SCHOOLS, SCHOOL PERSONNEL—PENALTIES**

## Sections

28A.87.140 Repealed. (Effective July 1, 1987.)

**28A.87.140 Repealed. (Effective July 1, 1987.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**Chapter 28A.97****EDUCATIONAL CLINICS**

## Sections

28A.97.100 Repealed.

**28A.97.100 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

## Title 28B HIGHER EDUCATION

### Chapters

- 28B.05** Educational services registration act.
- 28B.15** College and university fees.
- 28B.16** State higher education personnel law.
- 28B.20** University of Washington.
- 28B.50** Community colleges.
- 28B.80** Higher education coordinating board.
- 28B.85** Degree-granting institutions.

### Chapter 28B.05

#### EDUCATIONAL SERVICES REGISTRATION ACT

##### Sections

- 28B.05.010 through 28B.05.240 Repealed.
- 28B.05.900 Repealed.
- 28B.05.950 Repealed.

**28B.05.010 through 28B.05.240 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**28B.05.900 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**28B.05.950 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 28B.15

#### COLLEGE AND UNIVERSITY FEES

##### Sections

- 28B.15.044 Services and activities fees—Legislative declaration on expenditure.
- 28B.15.045 Services and activities fees—Guidelines governing establishment and funding of programs supported by—Scope—Mandatory provisions.
- 28B.15.067 Tuition fees—Established and adjusted annually.
- 28B.15.547 Waiver of tuition and fees for teachers and principals receiving awards for excellence in education.
- 28B.15.555 Waiver of tuition and fees for students of foreign nations—Intent.
- 28B.15.556 Waiver of tuition and fees for students of foreign nations—Authorized—Limitations.
- 28B.15.740 Limitation on total tuition and fee waivers.

**28B.15.044 Services and activities fees—Legislative declaration on expenditure.** It is the intent of the legislature that students will propose budgetary recommendations for consideration by the college or university administration and governing board to the extent that such budget recommendations are intended to be funded by services and activities fees. It is also the intent of the legislature that services and activities fee expenditures for programs devoted to political or economic philosophies shall result in the presentation of a spectrum of ideas. [1986 c 91 § 1; 1980 c 80 § 1.]

**Severability—1980 c 80:** "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." [1980 c 80 § 4.]

**28B.15.045 Services and activities fees—Guidelines governing establishment and funding of programs supported by—Scope—Mandatory provisions.** The boards of trustees and the boards of regents of the respective institutions of higher education shall adopt guidelines governing the establishment and funding of programs supported by services and activities fees. Such guidelines shall spell out procedures for budgeting and expending services and activities fee revenue. Any such guidelines shall be consistent with the following provisions:

(1) Responsibility for proposing program priorities and budget levels for that portion of program budgets that derive from services and activities fees shall reside with a services and activities fee committee, on which students shall hold at least a majority of the voting memberships, such student members to be recommended by the student government association or its equivalent. The chairperson of the services and activities fee committee shall be selected by the members of that committee. The governing board shall insure that the services and activities fee committee provides an opportunity for all viewpoints to be heard during its consideration of the funding of student programs and activities.

(2) The services and activities fee committee shall evaluate existing and proposed programs and submit budget recommendations for the expenditure of those services and activities fees with supporting documents to the college or university administration, and shall submit informational copies of such to the governing board.

(3) The college or university administration shall review and publish a written response to the services and activities fee committee recommendations. This response shall outline areas of difference between the committee recommendations and the administration's proposed budget recommendations. This response, with supporting documentation, shall be submitted to the services and activities fee committee and the governing board.

(4) In the event of a dispute or disputes involving the services and activities fee committee recommendations, the college or university administration shall meet with the services and activities fee committee in a good faith effort to resolve such dispute or disputes prior to submittal of final recommendations to the governing board.

(5) Before adoption of the final budget the governing board shall address areas of difference between any committee recommendations and the administration's budget recommendations presented for adoption by the board. A student representative of the services and activities fee committee shall be given the opportunity to reasonably address the governing board concerning any such differences.

(6) Services and activities fees and revenues generated by programs and activities funded by such fees shall be deposited and expended through the office of the chief fiscal officer of the institution.

(7) Services and activities fees and revenues generated by programs and activities funded by such fees shall be

subject to the applicable policies, regulations, and procedures of the institution and the budget and accounting act, chapter 43.88 RCW.

(8) All information pertaining to services and activities fees budgets shall be made available to interested parties.

(9) With the exception of any funds needed for bond covenant obligations, once the budget for expending service and activities fees is approved by the governing board, funds shall not be shifted from funds budgeted for associated students or departmentally related categories until the administration provides written justification to the committee and the governing board, or the governing board gives its express approval, or the recognized student governing organization gives its express approval.

(10) Any service and activities fees collected which exceed initially budgeted amounts are subject to subsections (1), (2), (3), and (9) of this section. [1986 c 91 § 2; 1980 c 80 § 2.]

**Severability—1980 c 80:** See note following RCW 28B.15.044.

**28B.15.067 Tuition fees—Established and adjusted annually.** Tuition fees shall be established and adjusted annually under the provisions of this chapter beginning with the 1987–88 academic year. Such fees shall be identical, subject to other provisions of this chapter, for students enrolled at either state university, for students enrolled at the regional universities and The Evergreen State College and for students enrolled at any community college. Tuition fees shall reflect the undergraduate and graduate educational costs of the state universities, the regional universities and the community colleges, respectively, in the amounts prescribed in this chapter. The change from the biennial tuition fee adjustment to an annual tuition fee adjustment shall not reduce the amount of revenue to the state general fund. [1986 c 42 § 1; 1985 c 390 § 15; 1982 1st ex.s. c 37 § 15; 1981 c 257 § 2.]

**Effective date—Severability—1982 1st ex.s. c 37:** See notes following RCW 28B.15.012.

**Severability—1981 c 257:** See note following RCW 28B.15.031.

**28B.15.547 Waiver of tuition and fees for teachers and principals receiving awards for excellence in education.** Teachers and principals who have received an award for excellence in education under RCW 28A.03.523 shall have the tuition and fees waived for one full academic year at any state institution of higher education: *Provided*, That the waiver shall begin to be used within three years after the award was received. [1986 c 147 § 6.]

**28B.15.555 Waiver of tuition and fees for students of foreign nations—Intent.** The legislature intends to permit the governing boards of the four–year institutions of higher education to waive tuition and fees for certain students of foreign nations. To the greatest extent possible, students chosen for these waivers and for the institutions' own approved study abroad programs shall

reflect the range of socioeconomic and ethnic characteristics of the students' institutions and native countries. [1986 c 232 § 1.]

**28B.15.556 Waiver of tuition and fees for students of foreign nations—Authorized—Limitations.** The boards of regents of the state universities and the boards of trustees of the regional universities and The Evergreen State College may waive the tuition, operating, and services and activities fees for undergraduate or graduate students of foreign nations subject to the following limitations:

(1) No more than the equivalent of one hundred waivers may be awarded to undergraduate or graduate students of foreign nations at each of the two state universities;

(2) No more than the equivalent of twenty waivers may be awarded to undergraduate or graduate students of foreign nations at each of the regional universities and The Evergreen State College;

(3) Priority in the awarding of waivers shall be given to students on academic exchanges or academic special programs sponsored by recognized international educational organizations;

(4) An undergraduate or graduate student of a foreign nation receiving a waiver under this section is not eligible for any other.

The waiver programs under this section, to the greatest extent possible, shall promote reciprocal placements and waivers in foreign nations for Washington residents. The number of waivers awarded by each institution shall not exceed the number of that institution's own students enrolled in approved study programs abroad during the same period. [1986 c 232 § 2.]

**28B.15.740 Limitation on total tuition and fee waivers.** (1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition and services and activities fees subject to the limitations set forth in subsection (2).

(2) The total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and non-resident fees: *Provided*, That at least three–fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: *Provided further*, That the remainder of the dollars waived, not to exceed one–fourth of the total, may be applied to other students



at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs: *Provided further*, That the waivers for undergraduate and graduate students of foreign nations under RCW 28B.15.556 are not subject to the limitation under this section. [1986 c 232 § 3; 1985 c 390 § 33; 1982 1st ex.s. c 37 § 9; 1980 c 62 § 1; 1979 ex.s. c 262 § 1.]

**Effective date—Severability—1982 1st ex.s. c 37:** See notes following RCW 28B.15.012.

**Severability—1979 ex.s. c 262:** "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." [1979 ex.s. c 262 § 5.]

### Chapter 28B.16

#### STATE HIGHER EDUCATION PERSONNEL LAW

##### Sections

28B.16.112 Rules—Salary schedules and compensation plans to reflect prevailing wages—Salary and fringe benefit surveys—Comprehensive plan—"Fringe benefits" defined.

**28B.16.112 Rules—Salary schedules and compensation plans to reflect prevailing wages—Salary and fringe benefit surveys—Comprehensive plan—"Fringe benefits" defined.** (1) In the conduct of salary and fringe benefit surveys under RCW 28B.16.110 as now or hereafter amended, it is the intention of the legislature that the surveys be undertaken in a manner consistent with statistically accurate sampling techniques. For this purpose, a comprehensive salary and fringe benefit survey plan shall be submitted to the director of financial management, employee organizations, and the standing committees for appropriations in the senate and house of representatives six months before the beginning of each periodic survey required before regular legislative sessions. This comprehensive plan shall include but not be limited to the following:

(a) A complete explanation of the technical, statistical process to be used in the salary and fringe benefit survey including the percentage of accuracy expected from the planned statistical sample chosen for the survey and a definition of the term "prevailing rates" which is to be used in the planned survey;

(b) A comprehensive salary and fringe benefit survey model based on scientific statistical principles which:

(i) Encompasses the interrelationships among the various elements of the survey sample including sources of salary and fringe benefit data by organization type, size, and regional location;

(ii) Is representative of private and public employment in this state;

(iii) Ensures that, wherever practical, data from smaller, private firms are included and proportionally weighted in the survey sample; and

(iv) Indicates the methodology to be used in application of survey data to job classes used by state government;

(c) A prediction of the increase or decrease in total funding requirements expected to result from the pending salary and fringe benefit survey based on consumer price index information and other available trend data pertaining to Washington state salaries and fringe benefits.

(2) Every comprehensive survey plan shall fully consider fringe benefits as an element of compensation in addition to basic salary data. The plans prepared under this section shall be developed jointly by the higher education personnel board in conjunction with the department of personnel established under chapter 41.06 RCW. All comprehensive salary and fringe benefit survey plans shall be submitted on a joint signature basis by the higher education personnel board and the department of personnel.

(3) Interim or special surveys conducted under RCW 28B.16.110 as now or hereafter amended shall conform when possible to the statistical techniques and principles developed for regular periodic surveys under this section.

(4) The term "fringe benefits" as used in this section and in conjunction with salary surveys shall include but not be limited to compensation for:

(a) Leave time, including vacation, holiday, civil, and personal leave;

(b) Employer retirement contributions;

(c) Health and insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and

(d) Stock options, bonuses, and purchase discounts where appropriate. [1986 c 158 § 4; 1979 c 151 § 17; 1977 ex.s. c 152 § 11.]

**Severability—1977 ex.s. c 152:** See note following RCW 41.06.150.

### Chapter 28B.20

#### UNIVERSITY OF WASHINGTON

##### Sections

28B.20.426 Fellowship program in forensic pathology—Funding—Recipient's services to county coroners.

**28B.20.426 Fellowship program in forensic pathology—Funding—Recipient's services to county coroners.** (1) A fellowship program in forensic pathology is created in the school of medicine at the University of Washington. The program shall provide training for one person per year. The program shall be funded from funds in the death investigation account of the general fund under RCW 43.79.445.

(2) The fellowship recipient, during the period of his or her fellowship, shall be available, as soon as his or her level of expertise warrants it, to the county coroners of the state without charge to perform autopsies, for consultations, and to provide testimony in court. [1986 c 31 § 1.]

**Effective date—1986 c 31:** "This act shall take effect July 1, 1986." [1986 c 31 § 3.]

**Chapter 28B.50**  
**COMMUNITY COLLEGES**

## Sections

28B.50.070 College board—Organization—Meetings—Quorum—Annual report—Fiscal year.

**28B.50.070 College board—Organization—Meetings—Quorum—Annual report—Fiscal year.**

The governor shall make the appointments to the college board.

The college board shall organize, adopt a seal, and adopt bylaws for its administration, not inconsistent herewith, as it may deem expedient and may from time to time amend such bylaws. Annually the board shall elect a chairperson and vice chairperson; all to serve until their successors are appointed and qualified. The college board shall at its initial meeting fix a date and place for its regular meeting. Five members shall constitute a quorum, and no meeting shall be held with less than a quorum present, and no action shall be taken by less than a majority of the college board.

Special meetings may be called as provided by its rules and regulations. Regular meetings shall be held at the college board's established offices in Olympia, but whenever the convenience of the public or of the parties may be promoted, or delay or expenses may be prevented, it may hold its meetings, hearings or proceedings at any other place designated by it. The college board shall transmit a report in writing to the governor each year which report shall contain such information as may be requested by the governor. The fiscal year of the college board shall conform to the fiscal year of the state. [1986 c 130 § 1; 1977 c 75 § 26; 1973 c 62 § 15; 1969 ex.s. c 223 § 28B.50.070. Prior: 1967 ex.s. c 8 § 7. Formerly RCW 28.85.070.]

**Savings—Severability—1973 c 62:** See notes following RCW 28B.10.510.

*Fiscal year defined:* RCW 43.88.020.

**Chapter 28B.80**

**HIGHER EDUCATION COORDINATING BOARD**

(Formerly: Council for postsecondary education in the state of Washington)

## Sections

28B.80.360 Administrative responsibilities—Report to the legislature.

**28B.80.360 Administrative responsibilities—Report to the legislature.** The board shall perform the following administrative responsibilities:

(1) Administer the programs set forth in the following statutes: Chapter 28A.58 RCW (Washington scholars); chapter 28B.04 RCW (displaced homemakers); chapter 28B.85 RCW (degree-granting institutions); RCW 28B.10.210 through 28B.10.220 (blind students subsidy); RCW 28B.10.800 through 28B.10.824 (student financial aid program); chapter 28B.12 RCW (work study); RCW 28B.15.067 through 28B.15.076 (educational costs for establishing tuition and fees); RCW

28B.15.543 (tuition waivers for Washington scholars); RCW 28B.15.760 through 28B.15.766 (math and science loans); RCW 28B.80.150 through 28B.80.170 (student exchange compact); RCW 28B.80.240 (student aid programs); and RCW 28B.80.210 (federal programs).

(2) Study the delegation of the administration of the following: RCW 28B.65.040 through 28B.65.060 (high-technology board); chapter 28B.85 RCW (degree-granting institutions); RCW 28B.80.150 through 28B.80.170 (student exchange compact programs); RCW 28B.80.200 (state commission for federal law purposes); RCW 28B.80.210 (enumerated federal programs); RCW 28B.80.230 (receipt of federal funds); RCW 28B.80.240 (student financial aid programs); RCW 28A.58.824 through 28A.58.830 (Washington scholars); RCW 28B.15.543 (Washington scholars); RCW 28B.04.020 through 28B.04.110 (displaced homemakers); RCW 28B.10.215 and 28B.10.220 (blind students); RCW 28B.10.790, 28B.10.792, and 28B.10.802 through 28B.10.844 (student financial aid); RCW 28B.12.040 through 28B.12.070 (student work study); RCW 28B.15.100 (reciprocity agreement); RCW 28B.15.730 through 28B.15.736 (Oregon reciprocity); RCW 28B.15.750 through 28B.15.754 (Idaho reciprocity); RCW 28B.15.756 and 28B.15.758 (British Columbia reciprocity); and RCW 28B.15.760 through 28B.15.764 (math/science loans). The board shall report the results of its study and recommendations to the legislature. [1986 c 136 § 20; 1985 c 370 § 7.]

**Severability—Effective date—1986 c 136:** See RCW 28B.85.900 and 28B.85.902.

**Chapter 28B.85**

**DEGREE-GRANTING INSTITUTIONS**

## Sections

28B.85.010 Definitions.  
28B.85.020 Board's duties—Rules—Investigations—Interagency agreements about nondegree programs.  
28B.85.030 Current authorization required to offer or grant degree.  
28B.85.040 Completion of program of study prerequisite to degree—Application of chapter.  
28B.85.050 Board may require information.  
28B.85.060 Fees.  
28B.85.070 Surety bonds—Security in lieu of bond—Cancellation of bond—Notice—Claims.  
28B.85.080 Suspension or modification of requirements authorized.  
28B.85.090 Claims—Complaints—Investigations—Hearings—Orders.  
28B.85.100 Violations—Civil penalties.  
28B.85.110 Violations—Criminal sanctions.  
28B.85.120 Actions resulting in jurisdiction of courts.  
28B.85.130 Educational records—Permanent file—Protection.  
28B.85.140 Contracts voidable—When.  
28B.85.150 Enforceability of debts—Authority to offer degree required.  
28B.85.160 Actions to enforce chapter—Who may bring—Relief.  
28B.85.170 Injunctive relief—Board may seek.  
28B.85.180 Violation of chapter unfair or deceptive practice under RCW 19.86.020.  
28B.85.190 Remedies and penalties in chapter nonexclusive and cumulative.  
28B.85.900 Severability—1986 c 136.  
28B.85.902 Effective date—1986 c 136.  
28B.85.905 Validity of registration under prior laws.

**28B.85.010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Board" means the higher education coordinating board.

(2) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or purport to signify satisfactory completion of the requirements of an academic program of study beyond the secondary school level.

(3) "Degree-granting institution" means an entity that offers educational credentials, instruction, or services prerequisite to or indicative of an academic or professional degree beyond the secondary level. [1986 c 136 § 1.]

**28B.85.020 Board's duties—Rules—Investigations—Interagency agreements about nondegree programs.** The board:

(1) Shall adopt by rule minimum standards for degree-granting institutions concerning granting of degrees, quality of education, unfair business practices, financial stability, and other necessary measures to protect citizens of this state against substandard, fraudulent, or deceptive practices. The board shall adopt the rules in accordance with chapter 34.04 RCW;

(2) May investigate any entity the board reasonably believes to be subject to the jurisdiction of this chapter. In connection with the investigation, the board may 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 board deems relevant or material to the investigation. The board, including its staff and any other authorized persons, may conduct site inspections and examine records of all institutions subject to this chapter;

(3) Shall develop an interagency agreement with the commission for vocational education or its successor agency to regulate degree-granting private vocational schools with respect to nondegree programs. [1986 c 136 § 2.]

**28B.85.030 Current authorization required to offer or grant degree.** A degree-granting institution shall not operate and shall not grant or offer to grant any degree unless the institution has obtained current authorization from the board. [1986 c 136 § 3.]

**28B.85.040 Completion of program of study prerequisite to degree—Application of chapter.** (1) An institution or person shall not advertise, offer, sell, or award a degree or any other type of educational credential unless the student has enrolled in and successfully completed a prescribed program of study, as outlined in the institution's publications. This prohibition shall not apply to honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions offering other educational credentials in compliance with state law.

(2) Except as provided in subsection (1) of this section, this chapter shall not apply to:

(a) Any public college, university, or other entity operating as part of the public educational system of this state.

(b) Institutions that have been accredited by an accrediting association recognized by the agency for the purposes of this chapter, provided that an institution, branch, extension, or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association to qualify for this exemption.

(c) Institutions of a religious character, but only as to those education programs devoted exclusively to religious or theological objectives if the programs are represented in an accurate manner in institutional catalogs and other official publications.

(d) Institutions not otherwise exempt which offer only workshops or seminars lasting no longer than three calendar days and for which academic credit is not awarded. [1986 c 136 § 4.]

**28B.85.050 Board may require information.** All degree-granting institutions subject to this chapter shall file information with the board as the board may require. [1986 c 136 § 5.]

**28B.85.060 Fees.** The board shall impose fees on any degree-granting institution authorized to operate under this chapter. Fees shall be set and revised by the board by rule at the level necessary to approximately recover the staffing costs incurred in administering this chapter. Fees shall be deposited in the general fund. [1986 c 136 § 6.]

**28B.85.070 Surety bonds—Security in lieu of bond—Cancellation of bond—Notice—Claims.** (1) The board may require any degree-granting institution to have on file with the board an approved surety bond or other security in lieu of a bond in an amount determined by the board.

(2) In lieu of a surety bond, an institution may deposit with the board a cash deposit or other negotiable security acceptable to the board. The security deposited with the board in lieu of the surety bond shall be returned to the institution one year after the institution's authorization has expired or been revoked if legal action has not been instituted against the institution or the security deposit at the expiration of the year. The obligations and remedies relating to surety bonds authorized by this section, including but not limited to the settlement of claims procedure in subsection (5) of this section, shall apply to deposits filed with the board, as applicable.

(3) Each bond shall:

(a) Be executed by the institution as principal and by a corporate surety licensed to do business in the state;

(b) Be payable to the state for the benefit and protection of any student or enrollee of an institution, or, in the case of a minor, his or her parents or guardian;

(c) Be conditioned on compliance with all provisions of this chapter and the board's rules adopted under this chapter;

(d) Require the surety to give written notice to the board at least thirty-five days before cancellation of the bond; and

(e) Remain in effect for one year following the effective date of its cancellation or termination as to any obligation occurring on or before the effective date of cancellation or termination.

(4) Upon receiving notice of a bond cancellation, the board shall notify the institution that the authorization will be suspended on the effective date of the bond cancellation unless the institution files with the board another approved surety bond or other security. The board may suspend or revoke the authorization at an earlier date if it has reason to believe that such action will prevent students from losing their tuition or fees.

(5) If a complaint is filed under RCW 28B.85.090(1) against an institution, the board may file a claim against the surety and settle claims against the surety by following the procedure in this subsection.

(a) The board shall attempt to notify all potential claimants. If the absence of records or other circumstances makes it impossible or unreasonable for the board to ascertain the names and addresses of all the claimants, the board after exerting due diligence and making reasonable inquiry to secure that information from all reasonable and available sources, may make a demand on a bond on the basis of information in the board's possession. The board is not liable or responsible for claims or the handling of claims that may subsequently appear or be discovered.

(b) Thirty days after notification, if a claimant fails, refuses, or neglects to file with the board a verified claim, the board shall be relieved of further duty or action under this chapter on behalf of the claimant.

(c) After reviewing the claims, the board may make demands upon the bond on behalf of those claimants whose claims have been filed. The board may settle or compromise the claims with the surety and may execute and deliver a release and discharge of the bond.

(d) If the surety refuses to pay the demand, the board may bring an action on the bond in behalf of the claimants. If an action is commenced on the bond, the board may require a new bond to be filed.

(e) Within ten days after a recovery on a bond or other posted security has occurred, the institution shall file a new bond or otherwise restore its security on file to the required amount.

(6) The liability of the surety shall not exceed the amount of the bond. [1986 c 136 § 7.]

**28B.85.080 Suspension or modification of requirements authorized.** The board may suspend or modify any of the requirements under this chapter in a particular case if the board finds that:

(1) The suspension or modification is consistent with the purposes of this chapter; and

(2) The education to be offered addresses a substantial, demonstrated need among residents of the state or

that literal application of this chapter would cause a manifestly unreasonable hardship. [1986 c 136 § 8.]

**28B.85.090 Claims—Complaints—Investigations—Hearings—Orders.** (1) A person claiming loss of tuition or fees as a result of an unfair business practice may file a complaint with the board. The complaint shall set forth the alleged violation and shall contain information required by the board. A complaint may also be filed with the board by an authorized staff member of the board or by the attorney general.

(2) The board shall investigate any complaint under this section and may attempt to bring about a settlement. The board may hold a contested case hearing pursuant to the administrative procedure act, chapter 34.04 RCW, in order to determine whether a violation has occurred. If the board prevails, the degree-granting institution shall pay the costs of the administrative hearing.

(3) If, after the hearing, the board finds that the institution or its agent engaged in or is engaging in any unfair business practice, the board shall issue and cause to be served upon the violator an order requiring the violator to cease and desist from the act or practice and may impose the penalties under RCW 28B.85.100. If the board finds that the complainant has suffered loss as a result of the act or practice, the board may order full or partial restitution for the loss. The complainant is not bound by the board's determination of restitution and may pursue any other legal remedy. [1986 c 136 § 9.]

**28B.85.100 Violations—Civil penalties.** Any person, group, or entity or any owner, officer, agent, or employee of such entity who wilfully violates any provision of this chapter or the rules adopted under this chapter shall be subject to a civil penalty of not more than one hundred dollars for each violation. Each day on which a violation occurs constitutes a separate violation. The fine may be imposed by the higher education coordinating board or by any court of competent jurisdiction. [1986 c 136 § 10.]

**28B.85.110 Violations—Criminal sanctions.** Any person, group, or entity or any owner, officer, agent, or employee of such entity who wilfully violates RCW 28B.85.030 shall be guilty of a gross misdemeanor and, upon conviction, shall be punished by a fine not to exceed one thousand dollars or by imprisonment in the county jail for a term not to exceed one year, or by both such fine and imprisonment. Each day on which a violation occurs constitutes a separate violation. The criminal sanctions may be imposed by a court of competent jurisdiction in an action brought by the attorney general of this state. [1986 c 136 § 11.]

**28B.85.120 Actions resulting in jurisdiction of courts.** A degree-granting institution, whether located in this state or outside of this state, that conducts business of any kind, makes any offers, advertises, solicits, or enters into any contracts in this state or with a resident of this state is subject to the jurisdiction of the courts of

this state for any cause of action arising from the acts. [1986 c 136 § 12.]

**28B.85.130 Educational records—Permanent file—Protection.** If any degree-granting institution discontinues its operation, the chief administrative officer of the institution shall file with the board the original or legible true copies of all educational records required by the board. If the board determines that any educational records are in danger of being made unavailable to the board, the board may seek a court order to protect and if necessary take possession of the records. The board shall cause to be maintained a permanent file of educational records coming into its possession. [1986 c 136 § 13.]

**28B.85.140 Contracts voidable—When.** If a student or prospective student is a resident of this state at the time any contract relating to payment for education or any note, instrument, or other evidence of indebtedness relating thereto is entered into, RCW 28B.85.150 shall govern the rights of the parties to the contract or evidence of indebtedness. If a contract or evidence of indebtedness contains any of the following agreements, the contract is voidable at the option of the student or prospective student:

- (1) That the law of another state shall apply;
- (2) That the maker or any person liable on the contract or evidence of indebtedness consents to the jurisdiction of another state;
- (3) That another person is authorized to confess judgment on the contract or evidence of indebtedness; or
- (4) That fixes venue. [1986 c 136 § 14.]

**28B.85.150 Enforceability of debts—Authority to offer degree required.** A note, instrument, or other evidence of indebtedness or contract relating to payment for education for a degree is not enforceable in the courts of this state by a degree-granting institution or holder of the instrument unless the institution was authorized to offer the degree under this chapter at the time the note, instrument, or other evidence of indebtedness or contract was entered into. [1986 c 136 § 15.]

**28B.85.160 Actions to enforce chapter—Who may bring—Relief.** The attorney general or the prosecuting attorney of any county in which a degree-granting institution or agent of the institution is found may bring an action in any court of competent jurisdiction for the enforcement of this chapter. The court may issue an injunction or grant any other appropriate form of relief. [1986 c 136 § 16.]

**28B.85.170 Injunctive relief—Board may seek.** The board may seek injunctive relief, after giving notice to the affected party, in a court of competent jurisdiction for a violation of this chapter or the rules adopted under this chapter. The board need not allege or prove that the

board has no adequate remedy at law. The right of injunction provided in this section is in addition to any other legal remedy which the board has and is in addition to any right of criminal prosecution provided by law. The existence of board action with respect to alleged violations of this chapter and rules adopted under this chapter does not operate as a bar to an action for injunctive relief under this section. [1986 c 136 § 17.]

**28B.85.180 Violation of chapter unfair or deceptive practice under RCW 19.86.020.** A violation of this chapter or the rules adopted under this chapter affects the public interest and is an unfair or deceptive act or practice in violation of RCW 19.86.020 of the consumer protection act. The remedies and sanctions provided by this section shall not preclude application of other remedies and sanctions. [1986 c 136 § 18.]

**28B.85.190 Remedies and penalties in chapter non-exclusive and cumulative.** The remedies and penalties provided for in this chapter are nonexclusive and cumulative and do not affect any other actions or proceedings. [1986 c 136 § 19.]

**28B.85.900 Severability—1986 c 136.** 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. [1986 c 136 § 21.]

**28B.85.902 Effective date—1986 c 136.** This act shall take effect July 1, 1986. [1986 c 136 § 24.]

**28B.85.905 Validity of registration under prior laws.** A degree-granting institution registered under chapter 188, Laws of 1979, as amended, as of June 30, 1986, is not required to apply for authorization under chapter 28B.85 RCW until the expiration date of such registration. [1986 c 136 § 22.]

## Title 28C

### VOCATIONAL EDUCATION

#### Chapters

- 28C.04 Vocational education.**
- 28C.10 Private vocational schools.**
- 28C.50 1977 Bond issue for state fire service training center.**
- 28C.51 1979 Bond act for capital improvements to state fire service training center.**

**Reviser's note—Sunset Act application:** The commission on vocational education and its powers and duties are terminated effective June 30, 1986, under RCW 43.131.287. A terminated agency continues in existence for a one-year period under RCW 43.131.090. See the Sunset Act, chapter 43.131 RCW. RCW 28C.04.010 through 28C.04.310, 28C.04.500, 28C.04.510, 28C.50.010 through 28C.50.060, 28C.50.900, and 28C.51.010 through 28C.51.060 are scheduled for repeal, effective June 30, 1987, under RCW 43.131.288.

**Chapter 28C.04**  
**VOCATIONAL EDUCATION**

## Sections

28C.04.040	Commission—Functions.
28C.04.142	Repealed.
28C.04.144	Repealed.

**28C.04.040 Commission—Functions.** The commission for vocational education shall have the following functions:

(1) Plan development. The commission shall be responsible for complying with federal directives to insure the development and maintenance of a state plan for vocational education but initial planning shall be accomplished by the secondary and postsecondary education systems. Prior to the adoption of the state plan, the commission shall request comments from the higher education coordinating board and the advisory council for vocational education.

(2) State plan modification adjudication. Decisions on new programs and/or facilities for vocational education shall be made internally within the respective secondary or postsecondary education system in accordance with the provisions of the state plan. The commission may review such decisions to insure compliance with the state plan and avoid unnecessary duplication of current or projected programs.

Any common school or community college district, or the superintendent of public instruction, or the state board for community college education, or other interested parties as authorized by the commission, shall be afforded the opportunity to comment upon any new programs or facilities proposed. The commission, subject to dispute resolution rules adopted by said commission, shall have the final determination on any disputes arising out of such program proposals.

In adjudicating disputes between the two secondary and postsecondary education systems regarding the state plan, the commission will use at least the following criteria: Recognition that secondary education is constitutionally the responsibility of the superintendent of public instruction and that by legislative action postsecondary education is the responsibility of institutions of higher education; adhere to the general policy set forth in the state plan; consider the particular vocational need of the community, region, or state and whether the common school or community college, or both, can best respond to those needs; encourage cooperation and coordination rather than competition and program conflict between secondary and postsecondary education systems; consider the desires and preferences of the residents of the immediate program service area and of the representatives of the fields of management, labor, and agriculture which benefit from possible program offerings; and avoid unnecessary duplication of vocational education programs and facilities.

(3) Vocational education administration. The commission shall be the sole agency for the receipt and allocation of federal funds in accordance with the state plan.

The supervision of the state plan shall be carried out by the commission; however, daily administration of the state plan shall be primarily the responsibility of the superintendent of public instruction and the state board for community college education: *Provided*, That the commission shall review and approve state plan development proposals or special programs requiring personal service contracts, and activities beyond the program responsibilities of the superintendent of public instruction and the state board for community college education.

Under the state plan the commission shall make periodic compliance audits at least once a biennium of the vocational education programs individually and jointly conducted by the common schools and community colleges to insure compliance with the state plan.

The commission shall be the primary state liaison with the federal government for the state plan for vocational education.

(4) Job skills program. The commission shall have the following powers and duties for the job skills program:

(a) To collect and disseminate to interested individuals, in cooperation with and through any agencies of federal, state, and municipal government, information concerning areas of present and projected employment need, programs of skills training and education consistent therewith, and any other relevant information;

(b) To apply for, utilize, and accept grants from other federal, state, and local agencies for the purposes of matching requirements and to facilitate the purposes of RCW 28C.04.420 through 28C.04.480;

(c) To help identify, upon the request of business and industry, those educational institutions which could provide the training services sought by business and industry and to identify any existing programs which could serve the particular needs of business and industry;

(d) To provide job skills grants to educational institutions to facilitate the development of programs of job skills training and education consistent with employment needs;

(e) To work cooperatively with the employment security department to enhance and update the state's occupational information system and the state's career information system;

(f) To adopt rules to carry out its powers and duties for the job skills program. [1986 c 266 § 78; 1985 c 370 § 89; 1983 1st ex.s. c 21 § 3; 1975 1st ex.s. c 174 § 4.]

**Sunset Act application:** See note following Title 28C RCW digest.

**Severability—1986 c 266:** See note following RCW 38.52.005.

**Severability—Effective dates—1985 c 370:** See RCW 28B.80.911 and 28B.80.912.

**Severability—1983 1st ex.s. c 21:** See note following RCW 28C.04.400.

**Effective date—Severability—1975 1st ex.s. c 174:** See notes following RCW 28C.04.010.

**Commission—Preparation of state plan for vocational education by, considerations—Allocation of funds, standard:** RCW 28C.04.090.

**State occupational forecast—Other agencies consulted prior to:** RCW 50.38.030.

**28C.04.142 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**28C.04.144 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 28C.10

## PRIVATE VOCATIONAL SCHOOLS

Sections	
28C.10.010	Intent.
28C.10.020	Definitions.
28C.10.030	Application of chapter.
28C.10.040	Agency's duties—Rules—Investigations—Inter-agency agreements about nondegree programs.
28C.10.050	Minimum standards—Denial, revocation, or suspension of licenses.
28C.10.060	Licenses—Requirements—Renewal.
28C.10.070	Fees.
28C.10.080	Surety bonds—Security in lieu of bond—Cancellation of bond—Notice—Claims.
28C.10.090	Actions prohibited without license.
28C.10.100	Suspension or modification of requirements of chapter.
28C.10.110	Unfair business practices.
28C.10.120	Complaints—Investigations—Hearings—Remedies.
28C.10.130	Violations—Civil penalties.
28C.10.140	Violations—Criminal sanctions.
28C.10.150	Actions resulting in jurisdiction of courts.
28C.10.160	Educational records—Permanent file—Protection.
28C.10.170	Contracts voidable—When.
28C.10.180	Enforceability of debts—Authority to offer degree required.
28C.10.190	Actions to enforce chapter—Who may bring—Relief.
28C.10.200	Injunctive relief—Agency may seek.
28C.10.210	Violation of chapter unfair or deceptive practice under RCW 19.86.020.
28C.10.220	Remedies and penalties in chapter nonexclusive and cumulative.
28C.10.900	Severability—1986 c 299.
28C.10.902	Effective date—1986 c 299.
28C.10.910	Schools registered under prior laws.

**28C.10.010 Intent.** It is the intent of this chapter to protect against practices by private vocational schools which are false, deceptive, misleading, or unfair, and to help ensure adequate educational quality at private vocational schools. [1986 c 299 § 1.]

**28C.10.020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means the commission for vocational education or its successor.

(2) "Agent" means a person owning an interest in, employed by, or representing for remuneration a private vocational school within or without this state, who enrolls or personally attempts to secure the enrollment in a private vocational school of a resident of this state, offers to award educational credentials for remuneration on behalf of a private vocational school, or holds himself or herself out to residents of this state as representing a private vocational school for any of these purposes.

(3) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or purport to signify satisfactory completion of an academic program of study beyond the secondary school level.

(4) "Education" includes but is not limited to, any class, course, or program of training, instruction, or study.

(5) "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.

(6) "Entity" includes, but is not limited to, a person, company, firm, society, association, partnership, corporation, or trust.

(7) "Private vocational school" means any entity offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

(8) "To grant" includes to award, issue, sell, confer, bestow, or give.

(9) "To offer" includes, in addition to its usual meanings, to advertise or publicize. "To offer" also means to solicit or encourage any person, directly or indirectly, to perform the act described.

(10) "To operate" means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are offered or granted to residents of this state, and includes contracting for the performance of any such act. [1986 c 299 § 2.]

**28C.10.030 Application of chapter.** This chapter does not apply to:

(1) Bona fide trade, business, professional, or fraternal organizations sponsoring educational programs primarily for that organization's membership or offered by that organization on a no-fee basis;

(2) Entities offering education that is exclusively avocational or recreational;

(3) Education not requiring payment of money or other consideration if this education is not advertised or promoted as leading toward educational credentials;

(4) Entities that are established, operated, and governed by this state or its political subdivisions under Title 28A, 28B, or 28C RCW;

(5) Degree-granting programs in compliance with the rules of the higher education coordinating board;

(6) Any other entity to the extent that it has been exempted from some or all of the provisions of this chapter under RCW 28C.10.100;

(7) Entities not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives and represented accurately in institutional catalogs or other official publications;

(8) Entities certified by the federal aviation administration;

(9) Barber and cosmetology schools licensed under chapter 18.16 RCW;

(10) Entities which only offer courses approved to meet the continuing education requirements for licensure under chapters 18.04, 18.78, 18.88, or 48.17 RCW; and

(11) Entities not otherwise exempt offering only workshops or seminars lasting no longer than three calendar days. [1986 c 299 § 3.]

**28C.10.040 Agency's duties—Rules—Investigations—Interagency agreements about nondegree programs.** The agency:

(1) Shall maintain a list of private vocational schools licensed under this chapter;

(2) Shall adopt rules in accordance with chapter 34.04 RCW to carry out this chapter;

(3) May investigate any entity the agency reasonably believes to be subject to the jurisdiction of this chapter. In connection with the investigation, the agency may 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 agency deems relevant or material to the investigation. The agency, including its staff and any other authorized persons, may conduct site inspections and examine records of all schools subject to this chapter;

(4) Shall develop an interagency agreement with the higher education coordinating board to regulate degree-granting private vocational schools with respect to non-degree programs. [1986 c 299 § 4.]

**28C.10.050 Minimum standards—Denial, revocation, or suspension of licenses.** (1) The agency shall adopt by rule minimum standards for private vocational schools. The minimum standards shall include, but not be limited to, requirements for each school to:

(a) Disclose to the agency information about its ownership and financial position and to demonstrate that it has sufficient financial resources to fulfill its commitments to students. Financial disclosures provided to the agency shall not be subject to public disclosure under chapter 42.17 RCW.

(b) Follow a uniform state-wide cancellation and refund policy as specified by the agency.

(c) Disclose through use of a school catalog, brochure, or other written material, necessary information to students so that students may make informed enrollment decisions. The agency shall specify what information is required.

(d) Use an enrollment contract or agreement that includes: (i) The cancellation and refund policy, (ii) a brief statement that the school is licensed under this chapter and that inquiries may be made to the agency, and (iii) other necessary information as determined by the agency.

(e) Describe accurately and completely in writing to students before their enrollment prerequisites and requirements for (i) completing successfully the programs of study in which they are interested and (ii) qualifying for the fields of employment for which their education is designed.

(2) The agency shall deny, revoke, or suspend the license of any school that does not meet or maintain the minimum standards. [1986 c 299 § 5.]

**28C.10.060 Licenses—Requirements—Renewal.** Any entity desiring to operate a private vocational school shall apply for a license to the agency on a form provided by the agency. The agency shall issue a license if the school:

(1) Files a completed application with information satisfactory to the agency. Misrepresentation by an applicant shall be grounds for the agency, at its discretion, to deny or revoke a license.

(2) Files the surety bond or other security required under this chapter.

(3) Pays the required fees.

(4) Meets the minimum standards adopted by the agency under RCW 28C.10.050.

Licenses shall be valid for one year from the date of issue unless revoked or suspended. If a school fails to file a completed renewal application at least thirty days before the expiration date of its current license the school shall be subject to payment of a late filing fee fixed by the agency. [1986 c 299 § 6.]

**28C.10.070 Fees.** The agency shall establish fees by rule at a level necessary to approximately recover the staffing costs incurred in administering this chapter. All fees collected under this section shall be deposited in the state general fund. [1986 c 299 § 7.]

**28C.10.080 Surety bonds—Security in lieu of bond—Cancellation of bond—Notice—Claims.**

(1) Each private vocational school shall have on file with the agency an approved surety bond or other security in lieu of a bond. The bond or other security shall be in an amount not less than five thousand dollars but no more than two hundred thousand dollars. Security shall be determined on an incremental scale based on the average amount of unearned prepaid tuition in possession of the school, as determined by the agency.

(2) In lieu of a surety bond, a private vocational school may deposit with the agency a cash deposit or other negotiable security acceptable to the agency. The security deposited with the agency in lieu of the surety bond shall be returned to the school one year after the school's license has expired or been revoked if legal action has not been instituted against the school or the security deposit at the expiration of the year. The obligations and remedies relating to surety bonds authorized by this section, including but not limited to the settlement of claims procedure in subsection (5) of this section, shall apply to deposits filed with the agency, as applicable.

(3) Each bond shall:

(a) Be executed by the private vocational school as principal and by a corporate surety licensed to do business in the state;

(b) Be payable to the state for the benefit and protection of any student or enrollee of a private vocational school, or, in the case of a minor, his or her parents or guardian;

(c) Be conditioned on compliance with all provisions of this chapter and the agency rules adopted under this chapter;



(d) Require the surety to give written notice to the agency at least thirty-five days before cancellation of the bond; and

(e) Remain in effect for one year following the effective date of its cancellation or termination as to any obligation occurring on or before the effective date of cancellation or termination.

(4) Upon receiving notice of a bond cancellation, the agency shall notify the school that the license will be suspended on the effective date of the bond cancellation unless the school files with the agency another approved surety bond or other security.

(5) If a complaint is filed under RCW 28C.10.120(1) against a private vocational school, the agency may file a claim against the surety and settle claims against the surety by following the procedure in this subsection.

(a) The agency shall attempt to notify all potential claimants. If the absence of records or other circumstances makes it impossible or unreasonable for the agency to ascertain the names and addresses of all the claimants, the agency after exerting due diligence and making reasonable inquiry to secure that information from all reasonable and available sources, may make a demand on a bond on the basis of information in the agency's possession. The agency is not liable or responsible for claims or the handling of claims that may subsequently appear or be discovered.

(b) Thirty days after notification, if a claimant fails, refuses, or neglects to file with the agency a verified claim, the agency shall be relieved of further duty or action under this chapter on behalf of the claimant.

(c) After reviewing the claims, the agency may make demands upon the bond on behalf of those claimants whose claims have been filed. The agency may settle or compromise the claims with the surety and may execute and deliver a release and discharge of the bond.

(d) If the surety refuses to pay the demand, the agency may bring an action on the bond in behalf of the claimants. If an action is commenced on the bond, the agency may require a new bond to be filed.

(e) Within ten days after a recovery on a bond or other posted security has occurred, the private vocational school shall file a new bond or otherwise restore its security on file to the required amount.

(6) The liability of the surety shall not exceed the amount of the bond. [1986 c 299 § 8.]

**28C.10.090 Actions prohibited without license.** A private vocational school, whether located in this state or outside of this state, shall not conduct business of any kind, make any offers, advertise or solicit, or enter into any contracts unless the private vocational school is licensed under this chapter. [1986 c 299 § 9.]

**28C.10.100 Suspension or modification of requirements of chapter.** The executive director of the agency may suspend or modify any of the requirements under this chapter in a particular case if the agency finds that:

(1) The suspension or modification is consistent with the purposes of this chapter; and

(2) The education to be offered addresses a substantial, demonstrated need among residents of the state or that literal application of this chapter would cause a manifestly unreasonable hardship. [1986 c 299 § 10.]

**28C.10.110 Unfair business practices.** It is an unfair business practice for a private vocational school or agent to:

(1) Fail to comply with the terms of a student enrollment contract or agreement;

(2) Use an enrollment contract form, catalog, brochure, or similar written material affecting the terms and conditions of student enrollment other than that previously submitted to the agency and authorized for use;

(3) Represent falsely, directly or by implication, that the school is an employment agency, is making an offer of employment or otherwise is attempting to conceal the fact that what is being represented are course offerings of a school;

(4) Represent falsely, directly or by implication, that an educational program is approved by a particular industry or that successful completion of the program qualifies a student for admission to a labor union or similar organization or for the receipt of a state license in any business, occupation, or profession;

(5) Represent falsely, directly or by implication, that a student who successfully completes a course or program of instruction may transfer credit for the course or program to any institution of higher education;

(6) Represent falsely, directly or by implication, in advertising or in any other manner, the school's size, location, facilities, equipment, faculty qualifications, or the extent or nature of any approval received from an accrediting association;

(7) Represent that the school is approved, recommended, or endorsed by the state of Washington or by the agency, except the fact that the school is authorized to operate under this chapter may be stated;

(8) Provide prospective students with any testimonial, endorsement, or other information which has the tendency to mislead or deceive prospective students or the public regarding current practices of the school, current conditions for employment opportunities, or probable earnings in the occupation for which the education was designed;

(9) Designate or refer to sales representatives as "counselors," "advisors," or similar terms which have the tendency to mislead or deceive prospective students or the public regarding the authority or qualifications of the sales representatives;

(10) Make or cause to be made any statement or representation in connection with the offering of education if the school or agent knows or reasonably should have known the statement or representation to be false, substantially inaccurate, or misleading; or

(11) Engage in methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair, as determined by the agency by rule.

It is a violation of this chapter for a private vocational school to engage in an unfair business practice. [1986 c 299 § 11.]

**28C.10.120 Complaints—Investigations—Hearings—Remedies.** (1) A person claiming loss of tuition or fees as a result of an unfair business practice may file a complaint with the agency. The complaint shall set forth the alleged violation and shall contain information required by the agency. A complaint may also be filed with the agency by an authorized staff member of the agency or by the attorney general.

(2) The agency shall investigate any complaint under this section and may attempt to bring about a settlement. The agency may hold a contested case hearing pursuant to the administrative procedure act, chapter 34.04 RCW, in order to determine whether a violation has occurred. If the agency prevails, the private vocational school shall pay the costs of the administrative hearing.

(3) If, after the hearing, the agency finds that the private vocational school or its agent engaged in or is engaging in any unfair business practice, the agency shall issue and cause to be served upon the violator an order requiring the violator to cease and desist from the act or practice and may impose the penalties under RCW 28C.10.130. If the agency finds that the complainant has suffered loss as a result of the act or practice, the agency may order full or partial restitution for the loss. The complainant is not bound by the agency's determination of restitution and may pursue any other legal remedy. [1986 c 299 § 12.]

**28C.10.130 Violations—Civil penalties.** Any private vocational school or agent violating RCW 28C.10.060, 28C.10.090, or 28C.10.110 or the applicable agency rules is subject to a civil penalty of not more than one hundred dollars for each separate violation. Each day on which a violation occurs constitutes a separate violation. Multiple violations on a single day may be considered separate violations. The fine may be imposed by the agency under RCW 28C.10.120, or in any court of competent jurisdiction. [1986 c 299 § 13.]

**28C.10.140 Violations—Criminal sanctions.** Any entity or any owner, officer, agent, or employee of such entity who wilfully violates RCW 28C.10.060 or 28C.10.090 is guilty of a gross misdemeanor and, upon conviction, shall be punished by a fine of not to exceed one thousand dollars or by imprisonment in the county jail for not to exceed one year, or by both such fine and imprisonment.

Each day on which a violation occurs constitutes a separate violation. The criminal sanctions may be imposed by a court of competent jurisdiction in an action brought by the attorney general of this state. [1986 c 299 § 14.]

**28C.10.150 Actions resulting in jurisdiction of courts.** A private vocational school, whether located in this state or outside of this state, that conducts business

of any kind, makes any offers, advertises, solicits, or enters into any contracts in this state or with a resident of this state is subject to the jurisdiction of the courts of this state for any cause of action arising from the acts. [1986 c 299 § 15.]

**28C.10.160 Educational records—Permanent file—Protection.** If any private vocational school discontinues its operation, the chief administrative officer of the school shall file with the agency the original or legible true copies of all educational records required by the agency. If the agency determines that any educational records are in danger of being made unavailable to the agency, the agency may seek a court order to protect and if necessary take possession of the records. The agency shall cause to be maintained a permanent file of educational records coming into its possession. [1986 c 299 § 16.]

**28C.10.170 Contracts voidable—When.** If a student or prospective student is a resident of this state at the time any contract relating to payment for education or any note, instrument, or other evidence of indebtedness relating thereto is entered into, RCW 28C.10.180 shall govern the rights of the parties to the contract or evidence of indebtedness. If a contract or evidence of indebtedness contains any of the following agreements, the contract is voidable at the option of the student or prospective student:

- (1) That the law of another state shall apply;
- (2) That the maker or any person liable on the contract or evidence of indebtedness consents to the jurisdiction of another state;
- (3) That another person is authorized to confess judgment on the contract or evidence of indebtedness; or
- (4) That fixes venue. [1986 c 299 § 17.]

**28C.10.180 Enforceability of debts—Authority to offer degree required.** A note, instrument, or other evidence of indebtedness or contract relating to payment for education is not enforceable in the courts of this state by a private vocational school or holder of the instrument unless the private vocational school was licensed under this chapter at the time the note, instrument, or other evidence of indebtedness or contract was entered into. [1986 c 299 § 18.]

**28C.10.190 Actions to enforce chapter—Who may bring—Relief.** The attorney general or the prosecuting attorney of any county in which a private vocational school or agent of the school is found may bring an action in any court of competent jurisdiction for the enforcement of this chapter. The court may issue an injunction or grant any other appropriate form of relief. [1986 c 299 § 19.]

**28C.10.200 Injunctive relief—Agency may seek.** The agency may seek injunctive relief, after giving notice to the affected party, in a court of competent jurisdiction for a violation of this chapter or the rules adopted under this chapter. The agency need not allege

or prove that the agency has no adequate remedy at law. The right of injunction provided in this section is in addition to any other legal remedy which the agency has and is in addition to any right of criminal prosecution provided by law. The existence of agency action with respect to alleged violations of this chapter and rules adopted under this chapter does not operate as a bar to an action for injunctive relief under this section. [1986 c 299 § 20.]

**28C.10.210 Violation of chapter unfair or deceptive practice under RCW 19.86.020.** A violation of this chapter or the rules adopted under this chapter affects the public interest and is an unfair or deceptive act or practice in violation of RCW 19.86.020 of the consumer protection act. The remedies and sanctions provided by this section shall not preclude application of other remedies and sanctions. [1986 c 299 § 21.]

**28C.10.220 Remedies and penalties in chapter non-exclusive and cumulative.** The remedies and penalties provided for in this chapter are nonexclusive and cumulative and do not affect any other actions or proceedings. [1986 c 299 § 22.]

**28C.10.900 Severability—1986 c 299.** 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. [1986 c 299 § 27.]

**28C.10.902 Effective date—1986 c 299.** This act shall take effect July 1, 1986. [1986 c 299 § 31.]

**28C.10.910 Schools registered under prior laws.** A private vocational school registered under chapter 188, Laws of 1979, as amended, as of June 30, 1986, shall be considered to be licensed under chapter 28C.10 RCW until January 31, 1987. [1986 c 299 § 28.]

**Chapter 28C.50**

**1977 BOND ISSUE FOR STATE FIRE SERVICE TRAINING CENTER**

Sections

- 28C.50.010 Bonds authorized—Amount—Conditions.
- 28C.50.050 1977 state fire service training center bond retirement fund—Created—Purpose.

**28C.50.010 Bonds authorized—Amount—Conditions.** For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, furnishing and equipping of a state fire service training center for the department of community development, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. 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 state Constitution. [1986 c 266 § 62; 1985 c 470 § 12; 1977 ex.s. c 349 § 1.]

**Sunset Act application:** See note following Title 28C RCW digest.

**Severability—1986 c 266:** See note following RCW 38.52.005.

**Severability—Effective date—1985 c 470:** See notes following RCW 48.48.030.

**28C.50.050 1977 state fire service training center bond retirement fund—Created—Purpose.** The 1977 state fire service training center bond retirement fund is hereby created in the state treasury for the purpose of the payment of principal of and interest on the bonds authorized to be issued pursuant to this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the department of community development.

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. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 state fire service training center bond retirement fund an amount equal to the amount certified by the state finance committee to be due on such payment date. [1986 c 266 § 63; 1985 c 470 § 13; 1977 ex.s. c 349 § 5.]

**Sunset Act application:** See note following Title 28C RCW digest.

**Severability—1986 c 266:** See note following RCW 38.52.005.

**Severability—Effective date—1985 c 470:** See notes following RCW 48.48.030.

*Payment of principal and interest on bonds and notes—Procedure: RCW 28C.51.050.*

**Chapter 28C.51**

**1979 BOND ACT FOR CAPITAL IMPROVEMENTS TO STATE FIRE SERVICE TRAINING CENTER**

Sections

- 28C.51.010 Bonds authorized—Amount—Conditions.
- 28C.51.050 Payment of principal and interest on notes and bonds—Procedure.

**28C.51.010 Bonds authorized—Amount—Conditions.** For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, furnishing and equipping of a state fire service training center for the department of community development, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of six million dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. 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 state Constitution. [1986 c 266 § 64; 1985 c 470 § 14; 1982 1st ex.s. c 48 § 1; 1979 ex.s. c 225 § 1.]

**Sunset Act application:** See note following Title 28C RCW digest.

**Severability—1986 c 266:** See note following RCW 38.52.005.

**Severability—Effective date—1985 c 470:** See notes following RCW 48.48.030.

**Severability—1982 1st ex.s. c 48:** "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." [1982 1st ex.s. c 48 § 23.]

**Effective date—1979 ex.s. c 225:** "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." [1979 ex.s. c 225 § 10.] Because of this emergency section, this act, 1979 ex.s. c 225, became effective June 15, 1979.

**Severability—1979 ex.s. c 225:** "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." [1979 ex.s. c 225 § 9.]

**28C.51.050 Payment of principal and interest on notes and bonds—Procedure.** The 1977 state fire service training center bond retirement fund in the state treasury shall be used for the purpose of the payment of principal of and interest on the bonds and notes authorized under this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the department of community development.

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 the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 state fire service training center bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date. [1986 c 266 § 65; 1985 c 470 § 15; 1979 ex.s. c 225 § 5.]

**Sunset Act application:** See note following Title 28C RCW digest.

**Severability—1986 c 266:** See note following RCW 38.52.005.

**Severability—Effective date—1985 c 470:** See notes following RCW 48.48.030.

**Effective date—Severability—1979 ex.s. c 225:** See notes following RCW 28C.51.010.

*1977 state fire service training center bond retirement fund—Created—Purpose: RCW 28C.50.050.*

## Title 29 ELECTIONS

### Chapters

- 29.01** Definitions.
- 29.04** General provisions.
- 29.07** Registration of voters.
- 29.13** Times for holding elections and primaries.
- 29.18** Partisan primaries.
- 29.21** Nonpartisan primaries and elections.
- 29.30** Ballots.

- 29.34** Voting devices and vote tallying systems.
- 29.36** Absentee voting.
- 29.51** Polling place regulations during voting hours.
- 29.54** Polling place regulations during voting hours and after closing.

### Chapter 29.01 DEFINITIONS

#### Sections

- 29.01.055 Election board.

**29.01.055 Election board.** "Election board" means a group of election officers serving one precinct or groups of precincts in a polling place. [1986 c 167 § 1.]

**Severability—1986 c 167:** "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." [1986 c 167 § 26.]

### Chapter 29.04 GENERAL PROVISIONS

#### Sections

- 29.04.040 Precincts—Number of voters—Dividing, altering, or combining—Creating new precincts.
- 29.04.055 Combining or dividing precincts, election boards.

**29.04.040 Precincts—Number of voters—Dividing, altering, or combining—Creating new precincts.** (1) No paper ballot precinct may contain more than three hundred voters. The county legislative authority may divide, alter, or combine precincts so that, whenever practicable, over-populated precincts shall contain no more than two hundred fifty registered voters in anticipation of future growth.

(2) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored. Except as permitted under subsection (5) of this section, no precinct boundaries may be changed during the period starting on the thirtieth day prior to the first day for candidates to file for the primary election and ending with the day of the general election.

(3) Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred registered voters, but there shall be at least one voting machine or device for each three hundred registered voters or major fraction thereof when a state primary or general election is held in an even-numbered year.

(4) On petition of twenty-five or more voters resident more than ten miles from any place of election, the county legislative authority shall establish a separate voting precinct therefor.

(5) The county auditor shall temporarily adjust precinct boundaries when a city annexes county territory to the city. The adjustment shall be made as soon as possible after the approval of the annexation. The temporary adjustment shall be limited to the minimum changes

necessary to accommodate the addition of the territory to the city and shall remain in effect only until precinct boundary modifications reflecting the annexation are adopted by the county legislative authority.

The county legislative authority may establish by ordinance a limitation on the maximum number of registered voters in each precinct within its jurisdiction. The limitation may be different for precincts based upon the method of voting used for such precincts and the number may be less than the number established by law, but in no case may the number exceed that authorized by law.

The county legislative authority of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the precincts. The county auditor shall thereupon designate the voting place for each such precinct. [1986 c 167 § 2; 1980 c 107 § 3. Prior: 1977 ex.s. c 361 § 4; 1977 ex.s. c 128 § 1; 1975-'76 2nd ex.s. c 129 § 3; 1967 ex.s. c 109 § 1; 1965 c 9 § 29.04.040; prior: (i) 1921 c 178 § 1, part; 1915 c 11 § 1, part; 1907 c 130 § 1, part; 1889 p 402 § 7, part; Code 1881 § 3067, part; 1865 p 30 § 1, part; RRS § 5171, part. (ii) 1907 c 130 § 2, part; 1889 p 408 § 21, part; RRS § 5278, part. (iii) Code 1881 § 2679; 1854 p 65 § 4, part; No RRS.]

**Severability**—1986 c 167: See note following RCW 29.01.055.

**Effective date**—**Severability**—1977 ex.s. c 361: See notes following RCW 29.01.006.

**Severability**—1977 ex.s. c 128: "If any provision of this 1977 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." [1977 ex.s. c 128 § 6.]

**Effective date**—**Severability**—1975-'76 2nd ex.s. c 129: See notes following RCW 29.04.130.

"City precinct" defined: RCW 29.01.030.

"Precinct" defined: RCW 29.01.120.

"Rural precinct" defined: RCW 29.01.150.

**29.04.055 Combining or dividing precincts, election boards.** At any election, general or special, or at any primary, the county auditor may combine, unite, or divide precincts and may combine or unite election boards for the purpose of holding such election. [1986 c 167 § 3; 1977 ex.s. c 361 § 5; 1974 ex.s. c 127 § 1; 1965 c 9 § 29.04.055. Prior: 1963 c 200 § 22; 1951 c 70 § 1.]

**Severability**—1986 c 167: See note following RCW 29.01.055.

**Effective date**—**Severability**—1977 ex.s. c 361: See notes following RCW 29.01.006.

*Voting machines, creating, uniting, combining, or dividing precincts for use of:* RCW 29.33.160(5).

## Chapter 29.07

### REGISTRATION OF VOTERS

#### Sections

29.07.065	Identity of applicant for registration—Establishment—Voting age proof.
29.07.150	Repealed.
29.07.151	County registration records—Maintenance—Inspection and copying, when.

**29.07.065 Identity of applicant for registration—Establishment—Voting age proof.** In addition to other information required by this chapter, each applicant for registration shall establish his identity, unless personally known by the registration officer, by producing at least one of the following items:

(1) A social security card containing the applicant's signature. Whenever the social security record is so used, the registration officer shall enter the applicant's social security number upon the appropriate registration forms;

(2) A driver's license which contains the signature and/or a photograph of the applicant;

(3) A valid Washington state identicard;

(4) A nationally or regionally known credit card containing the signature and/or photograph of the applicant;

(5) An identification card issued by the United States, any state or any agency of either, of a kind commonly used to identify the members or employees of such government agencies (including military I.D. cards), and which contain the signature and/or the photograph of the applicant.

In addition, whenever the registration officer has a doubt as to whether the applicant is of legal voting age, such officer shall require the applicant to produce a record that establishes the applicant's date of birth.

Failure to produce such identification except when necessary to establish the applicant's date of birth at the time of registration as set forth in this section shall not deter the act of registration: *Provided*, That registration officials shall indicate on the registration form by checking either "identification produced" or "identification not produced". [1986 c 167 § 4; 1973 1st ex.s. c 21 § 2.]

**Severability**—1986 c 167: See note following RCW 29.01.055.

**29.07.150 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**29.07.151 County registration records—Maintenance—Inspection and copying, when.** The county auditor shall have custody of the voter registration records for each county and shall maintain those records in accordance with this section.

(1) The original voter registration form, as established by RCW 29.07.070, shall be filed alphabetically without regard to precinct and shall not be available for public inspection and copying.

(2) An automated file of all registered voters shall be maintained pursuant to RCW 29.07.220, which shall be the source of the precinct lists of registered voters used at the polls on election day. Lists of registered voters produced from the automated file are public records and are thus available for inspection and copying. [1986 c 167 § 5.]

**Severability**—1986 c 167: See note following RCW 29.01.055.

## Chapter 29.13

TIMES FOR HOLDING ELECTIONS AND  
PRIMARIES

## Sections

- 29.13.020 City, town, and district general elections—Exceptions—Special elections.  
29.13.048 Interest on reimbursement of costs.

**29.13.020 City, town, and district general elections—Exceptions—Special elections.** (1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;

(b) Public utility districts or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.57.180 and nonhigh capital fund aid proposals as provided for in chapter 28A.56 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election in such city, town, or district, and for the purpose of such special election he may combine, unite, or divide precincts. A special election called by such governing body shall be held on one of the following dates as decided by the governing body:

(a) The first Tuesday after the first Monday in February;

(b) The second Tuesday in March, except that if a state-wide political party caucus by a major political party is scheduled on the second Tuesday, then a special election may not be held on such date but may be held on the third Tuesday in March;

(c) The first Tuesday after the first Monday in April;

(d) The third Tuesday in May;

(e) The day of the primary election as specified by RCW 29.13.070; or

(f) The first Tuesday after the first Monday in November.

In addition to (a) through (f) above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from failure of a school or junior taxing district to pass a special levy or bond issue for the first time or from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in (e) and (f) of this subsection. Such special election shall be conducted and notice thereof given in the manner provided by law.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections. [1986 c 167 § 6; 1980 c 3 § 2; 1975-'76 2nd ex.s. c 111 § 2; 1965 c 123 § 3; 1965 c 9 § 29.13.020. Prior: 1963 c 200 § 1; 1955 c 55 § 1; 1951 c 101 § 1; 1949 c 161 § 1; 1927 c 182 § 1; 1923 c 53 § 2; 1921 c 61 § 2; Rem. Supp. 1949 § 5144.]

**Severability—1986 c 167:** See note following RCW 29.01.055.

**Severability—Elections called prior to June 25, 1976—1975-'76 2nd ex.s. c 111:** See notes following RCW 29.13.010.

**29.13.048 Interest on reimbursement of costs.** For any reimbursement of election costs under RCW 29.13-.047, the secretary of state shall pay interest at an annual rate equal to two percentage points in excess of the discount rate on ninety-day commercial paper in effect at the federal reserve bank in San Francisco on the fifteenth day of the month immediately preceding the payment for any period of time in excess of thirty days after the receipt of a properly executed and documented voucher for such expenses and the entry of an allotment from specifically appropriated funds for this purpose under \*RCW 43.88.111. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under RCW 29.13.047. [1986 c 167 § 7.]

\*Reviser's note: RCW 43.88.111 was repealed by 1986 c 215 § 7.

**Severability—1986 c 167:** See note following RCW 29.01.055.

## Chapter 29.18

## PARTISAN PRIMARIES

## Sections

- 29.18.022 Order of candidates on ballots.  
29.18.025 Declarations of candidacy—Certain offices, when filed.  
29.18.045 Declaration of candidacy—Filing by mail.

**29.18.022 Order of candidates on ballots.** The names of all candidates for partisan office, for the office of superintendent of public instruction, and for all judicial offices except district court judge shall be rotated in each precinct in the manner specified by RCW 29.30-.040, 29.30.340, and 29.30.440. The order of names of candidates for such offices on sample ballots and on absentee ballots in primaries shall be determined in the following manner:

(1) After the close of business on the last day for candidates to file for office, the officer with whom declarations of candidacy are filed shall, from among those filings made in person and by mail in accordance with RCW 29.18.045(2), determine by lot the order in which the names of those candidates shall appear on the sample and absentee ballots under the appropriate office heading. The determination shall be done publicly, and may be witnessed by the media and by any candidate desiring to do so.

(2) For the purposes of this section and RCW 29.18.045, "filing officer" means the officer with whom

declarations of candidacy for an office must be filed. [1986 c 120 § 1.]

**29.18.025 Declarations of candidacy—Certain offices, when filed.** Except where otherwise provided by state law, declarations of candidacy for the following offices shall be filed during regular business hours with the secretary of state or the county auditor no earlier than the fourth Monday in July and no later than the following Friday in the year in which the office is scheduled to be voted upon:

(1) Offices that are scheduled to be voted upon for full terms or both full terms and short terms at, or in conjunction with, a state general election; and

(2) Offices where a vacancy, other than a short term, exists that has not been filled by election and for which an election to fill the vacancy is required in conjunction with the next state general election. [1986 c 167 § 8; 1984 c 142 § 2.]

**Severability—1986 c 167:** See note following RCW 29.01.055.

**Intent—1984 c 142:** "It is the intention of the legislature that this act shall provide an equitable qualifying procedure for candidates who, at the time of filing, lack sufficient assets or income to pay the filing fees otherwise required of candidates for public office." [1984 c 142 § 1.] The term "this act" refers to the enactment of RCW 29.18.025, 29.18.053, 29.18.055, 29.18.057, and 29.18.105 and the amendment of RCW 29.18.030 and 29.18.050 by 1984 c 142.

**29.18.045 Declaration of candidacy—Filing by mail.** Any candidate may mail his or her declaration of candidacy for an office to the filing officer. Such declarations of candidacy shall be processed by the filing officer in the following manner:

(1) Any declaration received by the filing officer by mail before the tenth business day immediately preceding the first day for candidates to file for office shall be returned to the candidate submitting it, together with a notification that the declaration of candidacy was received too early to be processed. The candidate shall then be permitted to resubmit his or her declaration of candidacy during the filing period.

(2) Any properly executed declaration of candidacy received by mail on or after the tenth business day immediately preceding the first day for candidates to file for office and before the close of business on the last day of the filing period shall be included with filings made in person during the filing period. In partisan and judicial elections other than for district court judge, the filing officer shall determine by lot the order in which the names of those candidates shall appear upon sample and absentee primary ballots.

(3) Any declaration of candidacy received by the filing officer after the close of business on the last day for candidates to file for office shall be rejected and returned to the candidate attempting to file it. [1986 c 120 § 2.]

## Chapter 29.21

### NONPARTISAN PRIMARIES AND ELECTIONS

Sections	
29.21.060	Declarations of candidacy in cities, towns, and certain districts.

**29.21.060 Declarations of candidacy in cities, towns, and certain districts.** All candidates for offices to be voted on at any election in first, second, and third class cities and fourth class municipalities (towns) shall file declarations of candidacy with the county auditor not earlier than the fourth Monday of July nor later than the next succeeding Friday in the year such regular city elections are held.

All candidates for district offices subject to the provisions of RCW 29.21.010 shall file their declarations of candidacy with the county auditor of the county not earlier than the fourth Monday of July nor later than the next succeeding Friday in the year such regular district elections are held: *Provided*, That this chapter shall not change the method of nomination for first district officers at the formation of any district.

Any candidate for city, town, or district offices may withdraw his declaration at any time before the Friday following the last day allowed for filing declarations of candidacy.

All candidates required to file declarations of candidacy shall pay the same fees and be governed by the same rules as contained in RCW 29.18.030 through 29.18.100, but no filing fee may be charged if the office sought is without a fixed annual salary.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for filing declarations of candidacy for such city, town, and district elections, the purpose of this section being to establish a uniform five-day period throughout the state of Washington for filing declarations of candidacy. [1986 c 167 § 9; 1977 ex.s. c 361 § 31; 1975-'76 2nd ex.s. c 120 § 3; 1969 ex.s. c 283 § 56; 1965 ex.s. c 103 § 2; 1965 c 9 § 29.21.060. Prior: 1963 c 200 § 10; 1959 c 247 § 2; 1959 c 175 § 7; 1951 c 101 § 5; 1949 c 161 § 6; 1947 c 234 § 3; 1945 c 194 § 5; Rem. Supp. 1949 § 5166-4.]

**Severability—1986 c 167:** See note following RCW 29.01.055.

**Effective date—Severability—1977 ex.s. c 361:** See notes following RCW 29.01.006.

**Severability—1975-'76 2nd ex.s. c 120:** See note following RCW 29.21.010.

**Severability—1969 ex.s. c 283:** See note following RCW 28A.02.061.

## Chapter 29.30

### BALLOTS

Sections	
29.30.010	Paper ballots—Primaries—Uniformity, arrangement, contents required.
29.30.060	Paper ballots—Samples.
29.30.081	Paper ballots—General election—Arrangement of instructions, measures, offices—Order of candidates.

- 29.30.310 Voting devices—All elections—Ballot pages—Uniformity, arrangement, contents required—Ballot cards.
- 29.30.350 Voting devices—Sample ballots.
- 29.30.450 Voting machines—Sample diagrams.

**29.30.010 Paper ballots—Primaries—Uniformity, arrangement, contents required.** Every primary paper ballot shall be uniform in color and size, shall be white and printed in black ink. Each ballot shall be identified at the top with the words, "Primary Election Ballot," and below that, the county in which the ballot is to be used, the date of the primary, and the instruction: "To vote for a person mark a cross in the first square at the right of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write in the name of the candidate, and the party affiliation if for a partisan office, in the space provided." Beginning at the top of the left hand column, at the left of the line shall appear the name of the position for which the names following are candidates, and to the extreme right of the same line the words, "Vote for," then the words "One," "Two," or a spelled number designating how many persons under that head are to be voted for. Below this shall come the names of all candidates for that position, each followed by the name of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan", with a square to the right. Each position with the names running for that office, shall be separated from the following one by a bold line. All primary paper ballots shall be sequentially numbered, but done in such a way to permit removal of such numbers without revealing the identity of any individual voter. There shall be no printing upon the back of the ballots nor any mark thereon to distinguish them. [1986 c 167 § 10; 1977 ex.s. c 361 § 51; 1965 c 9 § 29.30.010. Prior: (i) 1935 c 26 § 2, part; 1933 c 95 § 2, part; 1917 c 71 § 1, part; 1909 c 82 § 3, part; 1907 c 209 § 10, part; RRS § 5187, part. (ii) 1909 c 82 § 5, part; 1907 c 209 § 13, part; RRS § 5190, part.]

**Severability—1986 c 167:** See note following RCW 29.01.055.

**Effective date—Severability—1977 ex.s. c 361:** See notes following RCW 29.01.006.

**29.30.060 Paper ballots—Samples.** In counties or portions of counties using paper ballots, on or before the fifteenth day before a primary or an election, the county auditor shall prepare a sample paper ballot which he shall display in a conspicuous place in his office for public inspection. Sample paper ballots shall be substantially in the same form as the official paper ballots but upon colored paper. The names of the candidates in the primary for each office shall be arranged on the sample ballot in the order provided by RCW 29.18.022 and 29.18.045, and the names of candidates in the general election for each office shall be in the order in which their names appear on the official ballot, as provided in RCW 29.30.081(2), except that the position of precinct committeeman shall be shown on the general election sample ballot only by a listing of the position itself, and the names of candidates therefor need not be shown.

[1986 c 120 § 3; 1977 ex.s. c 361 § 55; 1965 c 9 § 29.30.060. Prior: (i) 1935 c 26 § 2, part; 1933 c 95 § 2, part; 1917 c 71 § 1, part; 1909 c 82 § 3, part; 1907 c 209 § 10, part; RRS § 5187, part. (ii) 1909 c 82 § 5, part; 1907 c 209 § 13, part; RRS § 5190, part.]

**Effective date—Severability—1977 ex.s. c 361:** See notes following RCW 29.01.006.

**29.30.081 Paper ballots—General election—Arrangement of instructions, measures, offices—Order of candidates.** (1) On the top of each general election paper ballot there shall be printed instructions directing the voters how to mark the ballot, including write-in votes. Next after the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters of such election.

(2) The candidate or candidates of the major political party which received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election shall appear first below the office heading, the candidate or candidates of the other major political parties shall follow according to the votes cast for their nominees for president at the last presidential election, and the candidate or candidates of all other parties shall follow in the order of their qualification with the secretary of state. The candidates for nonpartisan offices shall be listed in the manner otherwise provided by law. There shall be blank spaces for writing in the name of any candidate, if desired, on the ballot.

(3) There shall be a  at the right of the name of each nominee so that a voter may clearly indicate the candidate or the candidates for whom he wishes to cast his ballot.

(4) Under the designation of the office there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, the names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single square to the right in which the voter indicates his choice.

(6) All paper ballots for general elections shall be sequentially numbered, but done in such a way to permit removal of such numbers without leaving any identifying marks on the ballot. There shall be no printing on the back of the paper ballots nor any mark thereon to distinguish them. [1986 c 167 § 11; 1982 c 121 § 1; 1977 ex.s. c 361 § 60.]

**Severability—1986 c 167:** See note following RCW 29.01.055.

**Effective date—Severability—1977 ex.s. c 361:** See notes following RCW 29.01.006.

**29.30.310 Voting devices—All elections—Ballot pages—Uniformity, arrangement, contents required—Ballot cards.** All ballot pages for primary, general, or special elections in counties using voting devices shall be uniform in color and size, shall be white, and shall be printed in black ink. The first page shall be



identified at the top with the name of the election, the county in which the ballot page is to be used, and the date of the election. On the front of the first ballot page or prominently displayed on each voting device to be used at a primary, general, or special election, there shall be printed instructions directing the voters how to properly record a vote for any candidate and for or against any measure. Beginning at the top of the left hand column, at the left of the line shall appear the name of the position for which the names to the immediate right are candidates, and below the name of the office or position the words, "Vote for", then the words "One", "Two", or a spelled number designating how many persons under that head are to be voted for. Immediately to the right of the name of the office or position shall come the names of all candidates for that position, each followed by the name of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan", with an arrow or other notation at the right edge of the ballot page indicating where the voter is to punch or otherwise mark his ballot for that candidate. Each position with the names running for that office, shall be separated from the following one by a bold line. All ballot cards for primary elections shall be sequentially numbered, but done in such a way to permit removal of such numbers without leaving any identifying marks on the ballot. There shall be no marks on the ballot cards which would distinguish an individual voter's ballot card from other ballot cards in the same precinct. [1986 c 167 § 12; 1977 ex.s. c 361 § 33.]

**Severability**—1986 c 167: See note following RCW 29.01.055.

**Effective date**—**Severability**—1977 ex.s. c 361: See notes following RCW 29.01.006.

**29.30.350 Voting devices—Sample ballots.** In counties or portions of counties using absentee ballots designed to be tabulated on a vote tallying system, on or before the fifteenth day before a primary or an election, the county auditor shall prepare sample ballots which he shall display in a conspicuous place in his office for public inspection. Sample ballots shall be substantially in the same form as the official ballot pages but the names of the candidates in the primary for each office shall be arranged on the sample ballot in the order provided by RCW 29.18.022 and 29.18.045, and the names of candidates in the general election for each office shall be arranged in the order in which their names appear on the official ballot, as provided in RCW 29.30.380, except that the position of precinct committeeman shall be shown on the general election sample ballot only by a listing of the position itself, and the names of candidates therefor need not be shown. [1986 c 120 § 4; 1977 ex.s. c 361 § 37.]

**Effective date**—**Severability**—1977 ex.s. c 361: See notes following RCW 29.01.006.

**29.30.450 Voting machines—Sample diagrams.** In counties or portions of counties using voting machines, on or before the fifteenth day before a primary or an

election, the county auditor shall prepare a voting machine diagram which he shall display in a conspicuous place in his office for public inspection. Voting machine diagrams shall be substantially in the same form as the official ballot labels, but the names of the candidates in the primary for each office shall be arranged on the diagram in the order provided by RCW 29.18.022 and 29.18.045, and the names of candidates in the general election for each office shall be arranged in the order in which their names appear on the official ballot labels as provided in RCW 29.30.480(2), except that the position of precinct committeeman shall be shown on the general election voting machine diagram only by a listing of the position itself, and the names of candidates therefor need not be shown. Voting machine diagrams shall also include instructions for write-in voting. [1986 c 120 § 5; 1977 ex.s. c 361 § 46.]

**Effective date**—**Severability**—1977 ex.s. c 361: See notes following RCW 29.01.006.

## Chapter 29.34

### VOTING DEVICES AND VOTE TALLYING SYSTEMS

#### Sections

29.34.125 Ballot pages, contents and arrangement—Ballot cards, numbering.

**29.34.125 Ballot pages, contents and arrangement—Ballot cards, numbering.** (1) On the front of the first ballot page or prominently displayed on each voting device to be used at a general election, there shall be printed instructions directing the voters how to properly record a vote for any candidate and for or against any measure, including write-in votes. After the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters of such election.

(2) All nominations of any party or group of petitioners shall be indicated by the title of such party or petitioners as designated by them in their certificate of nomination or petition, following the name of such candidate, and the name of each nominee shall be placed beside the designation of the office for which he has been nominated.

(3) There shall be an arrow or other notation at the right edge of the ballot page opposite the name of each candidate indicating where the voter is to punch or otherwise mark his ballot card for that candidate.

(4) Under the designation of the office, if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line, shall be the names and spaces for voting for candidates for president and vice president. The names of

candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single arrow or other notation to the right.

(6) All ballot cards for general elections shall be sequentially numbered, but done in such a way to permit removal of such numbers without leaving any identifying marks on the ballot. There shall be no printing on the back of the ballot cards nor any mark thereon to distinguish an individual voter's ballot card from other ballot cards from the same precinct. [1986 c 167 § 13; 1977 ex.s. c 361 § 67.]

**Severability**—1986 c 167: See note following RCW 29.01.055.  
**Effective date**—**Severability**—1977 ex.s. c 361: See notes following RCW 29.01.006.

**Chapter 29.36  
ABSENTEE VOTING**

Sections  
29.36.010 When permissible—Application.  
29.36.013 Ongoing absentee voters—Application—Termination of status—"Disabled voter," defined.

**29.36.010 When permissible—Application.** Any duly registered voter may vote an absentee ballot for any primary or election in the manner provided in this chapter.

(1) Except as provided in subsections (2) and (3) of this section and RCW 29.36.013, a registered voter desiring to cast an absentee ballot must apply in writing to his or her county auditor no earlier than forty-five days nor later than the day before any election or primary.

(2) An application honored for a primary ballot shall also be honored as an application for a ballot for the following general election if the voter so indicates on his or her application.

(3) A voter admitted to a hospital no earlier than five days before a primary or election and confined to the hospital on election day may apply by messenger for an absentee ballot on the day of the primary or election if a signed statement from the hospital administrator, or designee, verifying the voter's date of admission and status as a patient in the hospital on the day of the primary or election is attached to the absentee ballot application.

(4) The application must be signed by the voter, and except as provided under chapter 29.39 RCW, an application for an absentee ballot is not valid unless the voter's signature on the application is substantially the same as that voter's signature on his or her registration record.

(5) An application for an absentee ballot shall be delivered to the county auditor of the county in which the voter is registered either in person, by mail, or by messenger. An absentee ballot application from a registered voter within this state shall be sent directly to the auditor of the county in which the voter is registered. An absentee ballot application from a registered voter who is temporarily outside this state may be sent either to the appropriate county auditor or to the secretary of state,

who shall promptly forward the application to the appropriate county auditor. No person, organization, or association may distribute absentee ballot applications within this state that contains any return address other than that of a county auditor. [1986 c 167 § 14; 1985 c 273 § 1; 1984 c 27 § 1; 1977 ex.s. c 361 § 76; 1974 ex.s. c 35 § 1; 1971 ex.s. c 202 § 37; 1965 c 9 § 29.36.010. Prior: 1963 ex.s. c 23 § 1; 1955 c 167 § 2; prior: (i) 1950 ex.s. c 8 § 1; 1943 c 72 § 1; 1933 ex.s. c 41 § 1; 1923 c 58 § 1; 1921 c 143 § 1; 1917 c 159 § 1; 1915 c 189 § 1; Rem. Supp. 1943 § 5280. (ii) 1933 ex.s. c 41 § 2, part; 1923 c 58 § 2, part; 1921 c 143 § 2, part; 1917 c 159 § 2, part; 1915 c 189 § 2, part; RRS § 5281, part.]

**Severability**—1986 c 167: See note following RCW 29.01.055.  
**Effective date**—**Severability**—1977 ex.s. c 361: See notes following RCW 29.01.006.

**29.36.013 Ongoing absentee voters—Application—Termination of status—"Disabled voter," defined.** Any disabled voter or any voter over the age of sixty-five may apply, in writing, for status as an ongoing absentee voter. Each such voter shall be granted that status by his or her county auditor and shall automatically receive an absentee ballot for each ensuing election for which he or she is entitled to vote and need not submit a separate application for each election. Ballots received from ongoing absentee voters shall be validated, processed, and tabulated in the same manner as other absentee ballots.

Status as an ongoing absentee voter shall be terminated upon any of the following events:

- (1) The written request of the voter;
- (2) The death or disqualification of the voter;
- (3) The cancellation of the voter's registration record;
- (4) The return of an ongoing absentee ballot as undeliverable; or
- (5) January 1st of each odd-numbered year.

A disabled voter is defined as a voter qualifying for special parking privileges under RCW 46.16.381 or a blind person as defined in RCW 74.18.020. [1986 c 22 § 1; 1985 c 273 § 2.]

**Chapter 29.51  
POLLING PLACE REGULATIONS DURING  
VOTING HOURS**

Sections  
29.51.090 Repealed.  
29.51.110 Deposit of ballot after voting.

**29.51.090 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**29.51.110 Deposit of ballot after voting.** Upon delivery of each ballot after being marked and folded by a voter, the inspector shall separate the slip containing the number of the ballot from the ballot and shall deposit the ballot in the ballot box. The inspector shall, however, permit any voter expressing a desire to separate his or her own slip or to deposit his or her own ballot, or both, to do so. Any voter detaching or separating the number

slip must return that slip to the inspector. [1986 c 167 § 15; 1971 ex.s. c 202 § 43; 1965 c 9 § 29.51.110. Prior: 1947 c 77 § 2, part; 1895 c 156 § 8, part; 1889 p 409 § 23, part; Rem. Supp. 1947 § 5288, part.]

**Severability**—1986 c 167: See note following RCW 29.01.055.

**Chapter 29.54**

**POLLING PLACE REGULATIONS DURING VOTING HOURS AND AFTER CLOSING**

Sections

29.54.180 Repealed.

**29.54.180 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**Title 30**

**BANKS AND TRUST COMPANIES**

**Chapters**

- 30.04 General provisions.**
- 30.08 Organization and powers.**
- 30.12 Officers, employees, and stockholders.**
- 30.20 Deposits.**
- 30.40 Branch banks.**
- 30.43 Satellite facilities.**
- 30.49 Merger, consolidation, and conversion.**

**Chapter 30.04**

**GENERAL PROVISIONS**

Sections

- 30.04.020 Use of words indicating bank or trust company—Penalty.
- 30.04.030 Rules and regulations—Administration and interpretation of title.  
Repealed.
- 30.04.040 Examination reports and information—Confidentiality—Disclosure—Penalty.
- 30.04.100 Repealed.
- 30.04.110 Repealed.
- 30.04.111 Limit on loans and extensions of credit to one person—Exceptions.
- 30.04.120 Loans on own stock prohibited—Shares of other corporations.  
Repealed.
- 30.04.122 Repealed.
- 30.04.124 Repealed.
- 30.04.125 Investment in corporations—Authorized businesses.
- 30.04.126 Repealed.
- 30.04.128 Repealed.
- 30.04.130 Defaulted debts, judgments to be charged off—Valuation of assets.
- 30.04.140 Pledge of securities or assets prohibited—Exceptions.
- 30.04.160 Repealed.
- 30.04.170 Repealed.
- 30.04.180 Dividends.
- 30.04.190 Repealed.
- 30.04.210 Real estate holdings.
- 30.04.215 Engaging in other business activities.
- 30.04.225 Contributions and gifts.
- 30.04.238 Purchase of own capital stock authorized.
- 30.04.340 through 30.04.360 Repealed.

- 30.04.380 Investment in paid-in capital stock and surplus of banks or corporations engaged in international or foreign banking.
- 30.04.390 Acquisition of stock of banks organized under laws of foreign country, etc.
- 30.04.395 Continuing authority for investments.
- 30.04.405 Bank acquisition or control—Notice or application—Registration statement—Violations—Penalties.
- 30.04.550 Reorganization as subsidiary of bank holding company—Authority.
- 30.04.555 Reorganization as subsidiary of bank holding company—Procedure.
- 30.04.560 Reorganization as subsidiary of bank holding company—Dissenter's rights—Conditions.
- 30.04.575 Public hearing prior to approval of reorganization—Request.
- 30.04.600 Shareholders—Actions authorized without meetings—Written consent.
- 30.04.605 Directors, committees—Actions authorized without meetings—Written consent.
- 30.04.610 Directors, committees—Meetings authorized by conference telephone or similar communications equipment.
- 30.04.900 Study on financial institution structure.

**30.04.020 Use of words indicating bank or trust company—Penalty.** The name of every bank shall contain the word "bank" and the name of every trust company shall contain the word "trust," or the word "bank." Except as provided in RCW 33.08.030, no person except:

- (1) A national bank;
- (2) A bank or trust company authorized by the laws of this state;
- (3) A corporation established under RCW 31.30.010;
- (4) A foreign corporation authorized by this title so to do, shall,

(a) Use as a part of his or its name or other business designation or in any manner as if connected with his or its business or place of business any of the following words or the plural thereof, to wit: "bank," "banking," "banker," "trust."

(b) Use any sign at or about his or its place of business or use or circulate any advertisement, letterhead, billhead, note, receipt, certificate, blank, form, or any written or printed or part written and part printed paper, instrument or article whatsoever, directly or indirectly indicating that the business of such person is that of a bank or trust company.

This section shall not prevent a lender approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the National Housing Act from using the words "mortgage banker" or "mortgage banking" in the conduct of its business, but only if both words are used together in either of the forms which appear in quotations in this sentence.

Every person who, and every director and officer of every corporation which, to the knowledge of such director or officer violates any provision of this section shall be guilty of a gross misdemeanor. [1986 c 284 § 15; 1983 c 42 § 2; 1981 c 88 § 1; 1955 c 33 § 30.04.020. Prior: 1925 ex.s. c 114 § 1; 1917 c 80 § 18; RRS § 3225.]

**Severability**—1986 c 284: See RCW 31.30.900.

**30.04.030 Rules and regulations—Administration and interpretation of title.** The supervisor shall have power to adopt uniform rules and regulations in accordance with the administrative procedure act, chapter 34.04 RCW, to govern examinations and reports of banks and trust companies and the form in which they shall report their assets, liabilities, and reserves, charge off bad debts and otherwise keep their records and accounts, and otherwise to govern the administration of this title. He shall mail a copy of the rules and regulations to each bank and trust company at its principal place of business.

The supervisor shall have the power, and broad administrative discretion, to administer and interpret the provisions of this title to facilitate the delivery of financial services to the citizens of the state of Washington by the banks and trust companies subject to this title. [1986 c 279 § 1; 1955 c 33 § 30.04.030. Prior: 1917 c 80 § 58, part; RRS § 3265, part.]

**30.04.040 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**30.04.075 Examination reports and information—Confidentiality—Disclosure—Penalty.** (1) All examination reports and all information obtained by the supervisor and the supervisor's staff in conducting examinations of banks, trust companies, or alien banks is confidential and privileged information and shall not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(2) Subsection (1) of this section notwithstanding, the supervisor may furnish all or any part of examination reports prepared by the supervisor's office to:

(a) Federal agencies empowered to examine state banks, trust companies, or alien banks;

(b) Officials empowered to investigate criminal charges subject to legal process, valid search warrant, or subpoena. If the supervisor furnishes any examination report to officials empowered to investigate criminal charges, the supervisor may only furnish that part of the report which is necessary and pertinent to the investigation, and the supervisor may do this only after notifying the affected bank, trust company, or alien bank and any customer of the bank, trust company, or alien bank who is named in that part of the examination or report ordered to be furnished unless the officials requesting the report first obtain a waiver of the notice requirement from a court of competent jurisdiction for good cause;

(c) The examined bank, trust company, or alien bank, or holding company thereof;

(d) The attorney general in his or her role as legal advisor to the supervisor;

(e) Liquidating agents of a distressed bank, trust company, or alien bank;

(f) A person or organization officially connected with the bank as officer, director, attorney, auditor, or independent attorney or independent auditor;

(g) The Washington public deposit protection commission as provided by RCW 39.58.105.

(3) All examination reports furnished under subsections (2) and (4) of this section shall remain the property of the division of banking, and be confidential and no person, agency, or authority to whom reports are furnished or any officer, director, or employee thereof shall disclose or make public any of the reports or any information contained therein except in published statistical material that does not disclose the affairs of any individual or corporation: *Provided*, That nothing herein shall prevent the use in a criminal prosecution of reports furnished under subsection (2) of this section.

(4) The examination report made by the division of banking is designed for use in the supervision of the bank, trust company, or alien bank. The report shall remain the property of the supervisor and will be furnished to the bank, trust company, or alien bank solely for its confidential use. Under no circumstances shall the bank, trust company, or alien bank or any of its directors, officers, or employees disclose or make public in any manner the report or any portion thereof, to any person or organization not connected with the bank as officer, director, employee, attorney, auditor, or candidate for executive office with the bank. The bank may also, after execution of an agreement not to disclose information in the report, disclose the report or relevant portions thereof to a party proposing to acquire or merge with the bank.

(5) Examination reports and information obtained by the supervisor and the supervisor's staff in conducting examinations shall not be subject to public disclosure under chapter 42.17 RCW.

(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the supervisor, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the supervisor.

(7) This section shall not apply to investigation reports prepared by the supervisor and the supervisor's staff concerning an application for a new bank or trust company or an application for a branch of a bank, trust company, or alien bank: *Provided*, That the supervisor may adopt rules making confidential portions of the reports if in the supervisor's opinion the public disclosure of the portions of the report would impair the ability to obtain the information which the supervisor considers necessary to fully evaluate the application.

(8) Every person who violates any provision of this section shall be guilty of a gross misdemeanor. [1986 c 279 § 2; 1977 ex.s. c 245 § 1.]

**Severability—1977 ex.s. c 245:** "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." [1977 ex.s. c 245 § 6.]

**30.04.100 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**30.04.110 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**30.04.111 Limit on loans and extensions of credit to one person—Exceptions.** The total loans and extensions of credit by a bank or trust company to a person outstanding at any one time shall not exceed twenty percent of the capital and surplus of such bank or trust company. The following loans and extensions of credit shall not be subject to this limitation:

(1) Loans or extensions of credit arising from the discount of commercial or business paper evidencing an obligation to the person negotiating it with recourse;

(2) Loans or extensions of credit secured by bonds, notes, certificates of indebtedness, or treasury bills of the United States or by other such obligations wholly guaranteed as to principal and interest by the United States;

(3) Loans or extensions of credit to or secured by unconditional takeout commitments or guarantees of any department, agency, bureau, board, commission, or establishment of the United States or any corporation wholly owned directly or indirectly by the United States;

(4) Loans or extensions of credit fully secured by a segregated deposit account or accounts in the lending bank;

(5) Loans or extensions of credit secured by collateral having a readily ascertained market value of at least one hundred fifteen percent of the outstanding amount of the loan or extension of credit;

(6) Loans or extensions of credit secured by bills of lading, warehouse receipts, or similar documents transferring or securing title to readily marketable staples shall be subject to a limitation of thirty-five percent of capital and surplus in addition to the general limitations, if the market value of the staples securing each additional loan or extension of credit at all times equals or exceeds one hundred fifteen percent of the outstanding amount of the loan or extension of credit. The staples shall be fully covered by insurance whenever it is customary to insure the staples;

(7) The purchase of bankers' acceptances of the kind described in section 13 of the federal reserve act and issued by other banks shall not be subject to any limitation based on capital and surplus;

(8) The unpaid purchase price of a sale of bank property, if secured by such property.

For the purposes of this section "capital" shall include the amount of common stock outstanding and unimpaired, the amount of preferred stock outstanding and unimpaired, and capital notes or debentures issued pursuant to chapter 30.36 RCW.

For the purposes of this section "surplus" shall include capital surplus, reflecting the amounts paid in excess of the par or stated value of capital stock, or amounts contributed to the bank other than for capital stock, and amounts transferred to surplus from undivided profits pursuant to resolution of the board of directors.

The term "person" shall include an individual, sole proprietor, partnership, joint venture, association, trust, estate, business trust, corporation, sovereign government

or agency, instrumentality, or political subdivision thereof, or any similar entity or organization.

The supervisor may prescribe rules to administer and carry out the purposes of this section, including rules to define or further define terms used in this section and to establish limits or requirements other than those specified in this section for particular classes or categories of loans or extensions of credit, and to determine when a loan putatively made to a person shall, for purposes of this section, be attributed to another person. [1986 c 279 § 3.]

**30.04.120 Loans on own stock prohibited—Shares of other corporations.** The shares of stock of every bank and trust company shall be deemed personal property. No such corporation shall hereafter make any loan or discount on the security of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; in which case the stocks so purchased or acquired shall be sold at public or private sale, or otherwise disposed of, within six months from the time of its purchase or acquisition. Except as hereinafter provided or otherwise permitted by law, nothing herein contained shall authorize the purchase by any such bank or trust company for its own account of any shares of stock of any corporation, except a federal reserve bank of which such corporation shall become a member, and then only to the extent required by such federal reserve bank: *Provided*, That any bank or trust company may purchase, acquire and hold shares of stock in any other corporation which shares have been previously pledged as security to any loan or discount made in good faith and such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith and stock so purchased or acquired shall be sold at public or private sale or otherwise disposed of within two years from the time of its purchase or acquisition. Any time limit imposed in this section may be extended by the supervisor upon cause shown. Banks and trust companies are authorized to make loans on the security of the capital stock of a bank or trust company other than the lending corporation. [1986 c 279 § 4; 1973 1st ex.s. c 104 § 1; 1955 c 33 § 30.04.120. Prior: 1943 c 187 § 1; 1933 c 42 § 9; 1929 c 73 § 5; 1917 c 80 § 36; Rem. Supp. 1943 § 3243.]

**30.04.122 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**30.04.124 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**30.04.125 Investment in corporations—Authorized businesses.** Unless otherwise prohibited by law, any state bank or trust company may invest in the capital stock of corporations organized to conduct the following businesses:

(1) A safe deposit business: *Provided*, That the amount of investment does not exceed fifteen percent of its capital stock and surplus;

(2) A corporation holding the premises of the bank or its branches: *Provided*, That without the approval of the supervisor, the investment of such stock shall not exceed, together with all loans made to the corporation by the bank, a sum equal to the amount permitted to be invested in the premises by RCW 30.04.210;

(3) Stock in a small business investment company licensed and regulated by the United States as authorized by the small business act, Public Law 85-536, 72 Statutes at Large 384, in an amount not to exceed five percent of its capital and surplus;

(4) Capital stock of a banking service corporation or corporations. The total amount that a bank may invest in the shares of such corporation may not exceed ten percent of its capital and surplus. A bank service corporation may not engage in any activity other than those permitted by the bank service corporation act, 12 U.S.C. Sec. 1861, et seq., as subsequently amended and in effect on June 11, 1986. The performance of any service, and any records maintained by any such corporation for a bank, shall be subject to regulation and examination by the supervisor and appropriate federal agencies to the same extent as if the services or records were being performed or maintained by the bank on its own premises;

(5) Capital stock of a federal reserve bank to the extent required by such federal reserve bank;

(6) A corporation engaging in business activities that have been determined by the board of governors of the federal reserve system or by the United States congress to be closely related to the business of banking, as of June 11, 1986;

(7) A governmentally sponsored corporation engaged in secondary marketing of loans and the stock of which must be owned in order to participate in its marketing activities;

(8) A corporation in which all of the voting stock is owned by the bank and that engages exclusively in nondeposit-taking activities that are authorized to be engaged in by the bank or trust company. [1986 c 279 § 5.]

**30.04.126 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**30.04.128 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**30.04.130 Defaulted debts, judgments to be charged off—Valuation of assets.** Any debt due a bank or trust company on which interest is one year or more past due and unpaid, unless such debt be well secured and in the course of collection by legal process or probate proceedings, or unless such debt be represented by or secured by bonds or other collateral having a readily ascertainable market value shall be considered a bad debt, and shall be charged off of the books of such corporation. Such assets shall be carried on the books of such corporation at such value as the supervisor may from time to time direct, but in no event shall such carrying value exceed the market value thereof. A judgment held by a bank or trust company shall not be considered an asset of the

corporation after two years from the date of its rendition unless with the written permission of the supervisor specifying an additional period: *Provided*, That time consumed by any appeal shall be excluded.

All assets or portion thereof that the supervisor may have required a bank or trust company to charge off shall be charged off. No bank or trust company shall enter or at any time carry on its books any of its assets at a valuation exceeding the actual cost. However, accreting the discount on securities is permitted on a pro rata basis, over the life of the security. [1986 c 279 § 6; 1955 c 33 § 30.04.130. Prior: 1937 c 61 § 1; 1919 c 209 § 15; 1917 c 80 § 47; RRS § 3254.]

**30.04.140 Pledge of securities or assets prohibited—Exceptions.** No bank or trust company shall pledge or hypothecate any of its securities or assets to any depositor, except that it may qualify as depository for United States deposits, or other public funds, or funds held in trust and deposited by any public officer by virtue of his office, or as a depository for the money of estates under the statutes of the United States pertaining to bankruptcy or funds deposited by a trustee or receiver in bankruptcy appointed by any court of the United States or any referee thereof, or funds held by the United States or the state of Washington, or any officer thereof in trust, or for funds of corporations owned or controlled by the United States, and may give such security for such deposits as are required by law or by the officer making the same; and it may give security to its trust department for deposits with itself which represent trust funds invested in savings accounts or which represent fiduciary funds awaiting investment or distribution. [1986 c 279 § 7; 1983 c 157 § 6; 1967 c 133 § 2; 1955 c 33 § 30.04.140. Prior: 1933 c 42 § 24, part; 1917 c 80 § 54, part; RRS § 3261, part.]

**Severability—1983 c 157:** See note following RCW 30.04.235.

**30.04.160 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**30.04.170 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**30.04.180 Dividends.** No bank or trust company shall declare or pay any dividend to an amount greater than its net profits then on hand.

The board of directors of any bank or trust company may declare a dividend out of so much of the undivided profits of such bank or trust company as they shall judge expedient: *Provided, however*, That before any such dividend is declared or the net profits in any way disposed of, not less than one-tenth of such net profits shall be carried to a surplus fund until the amount in such surplus fund shall be equal to twenty-five percent of the paid-in common stock of such bank or trust company: *Provided, further*, That for the purposes of this section, any amounts paid into a fund for the retirement of any preferred stock of any such bank and trust company out of its net profits for such period or periods shall be deemed to be additions to its surplus fund if, upon the

retirement of such preferred stock, the amounts so paid into such retirement fund may then properly be carried to surplus. In any such case the bank and trust company shall be obligated to transfer to surplus the amounts so paid into such retirement fund on account of the preferred stock as such stock is retired: *Provided further*, That the supervisor shall in his discretion have the power to require any bank or trust company to suspend the payment of any and all dividends until all requirements that may have been made by the supervisor shall have been complied with; and upon such notice to suspend dividends no bank or trust company shall thereafter declare or pay any dividends until such notice has been rescinded in writing. A dividend is payable in property or capital stock. [1986 c 279 § 8; 1981 c 89 § 1; 1969 c 136 § 2; 1955 c 33 § 30.04.180. Prior: 1933 c 42 § 7; 1931 c 11 § 1; 1917 c 80 § 33; RRS § 3240.]

**Severability**—1981 c 89: "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." [1981 c 89 § 8.]

**30.04.190 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**30.04.210 Real estate holdings.** A bank or trust company may purchase, hold, and convey real estate for the following purposes:

(1) Such as shall be necessary for the convenient transaction of its business, including with its banking offices other space in the same building to rent as a source of income: *Provided*, That any bank or trust company shall not invest for such purposes more than the greater of: (a) Fifty percent of its capital, surplus, and undivided profits; or (b) one hundred twenty-five percent of its capital stock without the approval of the supervisor.

(2) Such as shall be purchased or conveyed to it in satisfaction, or on account of, debts previously contracted in the course of its business.

(3) Such as it shall purchase at sale under judgments, decrees, liens, or mortgage foreclosures, from debts owed to it.

(4) Such as a trust company receives in trust or acquires pursuant to the terms or authority of any trust.

(5) Such as it may take title to or for the purpose of investing in real estate conditional sales contracts.

(6) Such as shall be purchased, held, or conveyed in accordance with RCW 30.04.212 granting banks the power to invest directly or indirectly in unimproved or improved real estate.

No real estate specified in subdivision (4) shall be considered an asset of the bank or trust company holding the same in trust nor shall any real estate except that specified in subdivision (1) be carried as an asset on the bank's or trust company's books for a longer period than five years from the date title is acquired thereto, unless an extension of time be granted by the supervisor. [1986 c 279 § 9; 1985 c 329 § 4; 1979 c 142 § 1; 1973 1st ex.s. c 104 § 2; 1955 c 33 § 30.04.210. Prior: 1947 c 149 § 1; 1917 c 80 § 37; Rem. Supp. 1947 § 3244.]

**Legislative intent**—1985 c 329: See note following RCW 30.60.010.

**Severability**—**Effective date**—1985 c 329: See RCW 30.60.900 and 30.60.901.

**Adoption of rules:** RCW 30.60.030.

**30.04.215 Engaging in other business activities.** (1) Notwithstanding any other provisions of law, in addition to all powers enumerated by this title, and those necessarily implied therefrom, a bank may engage in other business activities that have been determined by the board of governors of the federal reserve system or by the United States Congress to be closely related to the business of banking, as of June 11, 1986. At least thirty days before investment in corporations or other entities under this chapter, notification by letter shall be made to the supervisor in accordance with such terms and conditions as the supervisor might establish by rule.

(2) A bank that desires to perform an activity that is not expressly authorized by subsection (1) of this section shall first apply to the supervisor for authorization to conduct such activity. Within thirty days of the receipt of this application, the supervisor shall determine whether the activity is closely related to the business of banking, whether the public convenience and advantage will be promoted, whether the activity is apt to create an unsafe or unsound practice by the bank and whether the applicant is capable of performing such an activity. If the supervisor finds the activity to be closely related to the business of banking and the bank is otherwise qualified, he shall forthwith inform the applicant that the activity is authorized. If the supervisor determines that such activity is not closely related to the business of banking or the bank is not otherwise qualified, he shall forthwith inform the applicant in writing. The applicant shall have the right to appeal from an unfavorable determination in accordance with the procedures of the Administrative Procedure Act, chapter 34.04 RCW. In determining whether a particular activity is closely related to the business of banking, the supervisor shall be guided by the rulings of the board of governors of the federal reserve system and the comptroller of the currency in making determinations in connection with the powers exercisable by bank holding companies, and the activities performed by other commercial banks or their holding companies. Any activity which may be performed by a bank, except the taking of deposits, may be performed by a corporation, all of the outstanding stock of which is owned by the bank.

(3) In addition to all powers enumerated by this title, and those necessarily implied therefrom, a bank may engage in other business activities that are determined by the supervisor, by regulation adopted pursuant to chapter 34.04 RCW, to be closely related to the business of banking, or necessary or convenient thereto, and the exercise thereof will promote the public convenience and advantage. Provided, however, that such other business activities shall also have been determined by the board of governors of the federal reserve system or by the United States congress to be closely related to the business of banking. [1986 c 279 § 10; 1983 c 157 § 8; 1969 c 136 § 7.]

**Severability**—1983 c 157: See note following RCW 30.04.235.

**30.04.225 Contributions and gifts.** In the absence of an express prohibition in its articles of incorporation, the making of contributions or gifts for the public welfare, or for charitable, scientific, or educational purposes by a state bank or trust company is within its powers and shall be deemed to inure to the benefit of the bank. [1986 c 279 § 11.]

**30.04.238 Purchase of own capital stock authorized.** (1) Notwithstanding any other provision of this title, a bank, with the prior approval of the supervisor, may purchase shares of its own capital stock.

(2) When a bank purchases such shares, its capital accounts shall be reduced appropriately. The shares shall be held as authorized but unissued shares. [1986 c 279 § 12; 1985 c 305 § 1.]

**30.04.340 through 30.04.360 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**30.04.380 Investment in paid-in capital stock and surplus of banks or corporations engaged in international or foreign banking.** Any bank or trust company may invest an amount not exceeding ten per centum of its paid-in capital stock and surplus in the stock of one or more banks or corporations chartered under the laws of the United States, or of any state thereof, and principally engaged in international or foreign banking, or banking in a dependency or insular possession of the United States, either directly or through the agency, ownership or control of local institutions in foreign countries, or in such dependencies or insular possessions. [1986 c 279 § 13; 1973 1st ex.s. c 104 § 9.]

**30.04.390 Acquisition of stock of banks organized under laws of foreign country, etc.** Any bank or trust company may acquire and hold, directly or indirectly, stock or other evidence of indebtedness or ownership in one or more banks organized under the law of a foreign country or a dependency or insular possession of the United States. [1986 c 279 § 14; 1973 1st ex.s. c 104 § 10.]

**30.04.395 Continuing authority for investments.** Any investment by a bank other than a loan, if legal and authorized when made, may continue to be held by the bank notwithstanding a change in circumstances or change in the law. [1986 c 279 § 16.]

**30.04.405 Bank acquisition or control—Notice or application—Registration statement—Violations—Penalties.** (1) It is unlawful for any person to acquire control of a bank until thirty days after filing with the supervisor a copy of the notice of change of control required to be filed with the federal deposit insurance corporation or a completed application. The notice or application shall be under oath and contain substantially all of the following information plus any

additional information that the supervisor may prescribe as necessary or appropriate in the particular instance for the protection of bank depositors, borrowers, or shareholders and the public interest:

(a) The identity, banking and business experience of each person by whom or on whose behalf acquisition is to be made;

(b) The financial and managerial resources and future prospects of each person involved in the acquisition;

(c) The terms and conditions of any proposed acquisition and the manner in which the acquisition is to be made;

(d) The source and amount of the funds or other consideration used or to be used in making the acquisition, and a description of the transaction and the names of the parties if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition;

(e) Any plan or proposal which any person making the acquisition may have to liquidate the bank, to sell its assets, to merge it with any other bank, or to make any other major change in its business or corporate structure for management;

(f) The identification of any person employed, retained, or to be compensated by the acquiring party, or by any person on its behalf, who makes solicitations or recommendations to shareholders for the purpose of assisting in the acquisition and a brief description of the terms of the employment, retainer, or arrangement for compensation; and

(g) Copies of all invitations for tenders or advertisements making a tender offer to shareholders for the purchase of their stock to be used in connection with the proposed acquisition.

(2) Notwithstanding any other provision of this section, a bank or domestic bank holding company as defined in RCW 30.04.230 need only notify the supervisor of an intent to acquire control and the date of the proposed acquisition of control at least thirty days before the date of the acquisition of control.

(3) When a person, other than an individual or corporation, is required to file an application under this section, the supervisor may require that the information required by subsection (1)(a), (b), and (f) of this section be given with respect to each person, as defined in RCW 30.04.400(3), who has an interest in or controls a person filing an application under this subsection.

(4) When a corporation is required to file an application under this section, the supervisor may require that information required by subsection (1)(a), (b), and (f) of this section be given for the corporation, each officer and director of the corporation, and each person who is directly or indirectly the beneficial owner of twenty-five percent or more of the outstanding voting securities of the corporation.

(5) If any tender offer, request, or invitation for tenders or other agreements to acquire control is proposed to be made by means of a registration statement under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C., Sec. 77(a)), as amended, or in circumstances requiring the disclosure of similar information under the Securities



Exchange Act of 1934 (48 Stat. 881, 15 U.S.C., Sec. 78(a)), as amended, the registration statement or application may be filed with the supervisor in lieu of the requirements of this section.

(6) Any acquiring party shall also deliver a copy of any notice or application required by this section to the bank proposed to be acquired within two days after the notice or application is filed with the supervisor.

(7) Any acquisition of control in violation of this section shall be ineffective and void.

(8) Any person who wilfully or intentionally violates this section or any rule adopted pursuant thereto is guilty of a gross misdemeanor pursuant to chapter 9A.20 RCW. Each day's violation shall be considered a separate violation, and any person shall upon conviction be fined not more than one thousand dollars for each day the violation continues. [1986 c 279 § 15; 1985 c 305 § 5; 1977 ex.s. c 246 § 2.]

**30.04.550 Reorganization as subsidiary of bank holding company—Authority.** A state banking corporation may, with the approval of the supervisor of banking and the affirmative vote of the shareholders of such corporation owning at least two-thirds of each class of shares entitled to vote under the terms of such shares, be reorganized to become a subsidiary of a bank holding company or a company that will, upon consummation of such reorganization, become a bank holding company, as defined in the federal bank holding company act of 1956, as amended. [1986 c 279 § 40; 1982 c 196 § 1.]

**Severability—1982 c 196:** "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." [1982 c 196 § 11.]

**30.04.555 Reorganization as subsidiary of bank holding company—Procedure.** A reorganization authorized under RCW 30.04.550 shall be carried out in the following manner:

(1) A plan of reorganization specifying the manner in which the reorganization shall be carried out must be approved by a majority of the entire board of directors of the banking corporation. The plan shall specify the name of the acquiring corporation, the amount of cash, securities of the bank holding company, other consideration, or any combination thereof to be paid to the shareholders of the reorganizing corporation in exchange for their shares of the stock of the corporation. The plan shall also specify the exchange date or the manner in which such exchange date shall be determined, the manner in which the exchange shall be carried out, and such other matters, not inconsistent with this chapter, as shall be determined by the board of directors of the corporation.

(2) The plan of reorganization shall be submitted to the shareholders of the reorganizing corporation at a meeting to be held on the call of the directors. Notice of the meeting of shareholders at which the plan shall be considered shall be given by certified mail at least twenty days before the date of the meeting, to each stockholder of record of the banking corporation. The

notice shall state that dissenting shareholders will be entitled to payment of the value of only those shares which are voted against approval of the plan. [1986 c 279 § 41; 1982 c 196 § 2.]

**Severability—1982 c 196:** See note following RCW 30.04.550.

**30.04.560 Reorganization as subsidiary of bank holding company—Dissenter's rights—Conditions.** If the shareholders approve the reorganization by a two-thirds vote of each class of shares entitled to vote under the terms of such shares, and if it is thereafter approved by the supervisor and consummated, any shareholder of the banking corporation who has voted shares against such reorganization at such meeting or has given notice in writing at or prior to such meeting to the banking corporation that he or she dissents from the plan of reorganization and has not voted in favor of the reorganization, shall be entitled to receive the value of the shares determined as provided in RCW 30.04.565. Such dissenter's rights must be exercised by making written demand which shall be delivered to the corporation at any time within thirty days after the date of shareholder approval, accompanied by the surrender of the appropriate stock certificates. [1986 c 279 § 42; 1982 c 196 § 3.]

**Severability—1982 c 196:** See note following RCW 30.04.550.

**30.04.575 Public hearing prior to approval of reorganization—Request.** Prior to the approval of the reorganization, the supervisor, upon request of the board of directors of the bank, or not less than ten percent of its shareholders, shall hold a public hearing at which bank shareholders and other interested parties may appear. Notice of the public hearing shall be sent to each shareholder and otherwise publicized in accordance with the administrative procedure act, chapter 34.04 RCW.

The approval of the reorganization by the supervisor of banking shall be conditioned on a finding that the terms of the reorganization are fair to the shareholders and other interested parties. [1986 c 279 § 44.]

**30.04.600 Shareholders—Actions authorized without meetings—Written consent.** Any action required by this title to be taken at a meeting of the shareholders of a corporation, or any action that may be taken at a meeting of the shareholders, may be taken without a meeting if a consent in writing, setting forth the action so taken, is signed by all of the shareholders entitled to vote with respect to the subject matter thereof.

The consent shall have the same force and effect as a unanimous vote of shareholders and may be stated as such in any articles or documents filed under this title. [1986 c 279 § 46.]

**30.04.605 Directors, committees—Actions authorized without meetings—Written consent.** Unless otherwise provided by the articles of incorporation or bylaws, any action required by this title to be taken at a meeting of the directors of a bank or trust company, or any action which may be taken at any meeting of the directors or of a committee, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall

be signed by all of the directors, or all of the members of the committee, as the case may be. Such consent shall have the same effect as a unanimous vote. [1986 c 279 § 47.]

**30.04.610 Directors, committees—Meetings authorized by conference telephone or similar communications equipment.** Except as may be otherwise restricted by the articles of incorporation or bylaws, members of the board of directors or any committee designated by the board of directors may participate in a meeting of the board or committee by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by such means shall constitute presence, in person, at a meeting. [1986 c 279 § 48.]

**30.04.900 Study on financial institution structure.** (1) The supervisor of banking shall study the financial institution structure in the state and report to the governor and the appropriate standing committees of the house of representatives and the senate on changes which should be made to enable commercial banks to remain safe and sound and yet be competitive with other financial institutions. In conducting the study the supervisor shall consider:

- (a) The powers which commercial banks under state regulatory authority should be entitled to exercise;
- (b) The level of supervision that is necessary to assure safe and sound commercial banks without unnecessarily restricting the operation of the institutions;
- (c) Whether the distinction between commercial banks, savings banks, and savings and loan associations should be retained, and if so, whether there should continue to be differences in their powers;
- (d) The general corporate powers that should be authorized for banking corporations; and
- (e) Any other matters deemed by the supervisor to be relevant.

(2) The supervisor, in conducting the study required by subsection (1) of this section shall consult with the supervisor of savings and loans and with representatives from all types of financial institutions, including large and small, urban and rural, commercial banks, savings banks, and savings and loan associations. The supervisor shall also advise the appropriate standing committees of the house of representatives and the senate of all meetings held to consider the study conducted under this section.

(3) The supervisor of banking shall submit the report required by subsection (1) of this section not later than November 1, 1987. A progress report shall be submitted to the governor and the respective standing committees of the house of representatives and the senate not later than December 1, 1986. [1986 c 279 § 54.]

**Intent—1986 c 279 § 54:** "Financial institutions have been subjected to significant changes in the recent past. Regulated financial institutions have come under pressure from nonregulated financial institutions for markets that were formerly the sole province of the regulated institutions. The legislature has been repeatedly asked to expand the powers of regulated institutions so they may compete on an

equal basis. It is the intent of the legislature, in enacting RCW 30.04.900, to develop the information with which it can respond to requests from financial institutions for new powers." [1986 c 279 § 53.]

**Chapter 30.08  
ORGANIZATION AND POWERS**

Sections	
30.08.010	Incorporators—Paid-in capital stock, surplus, and undivided profits—Requirements.
30.08.020	Notice of intention to organize—Proposed articles of incorporation—Contents.
30.08.050	Approved articles to be filed and recorded—Organization complete.
30.08.060	Certificate of authority—Issuance—Contents.
30.08.070	Failure to commence business—Effect—Extension of time.
30.08.082	Authority to issue preferred or special classes of stock.
30.08.083	Authority to divide classes into series—Rights and preferences—Filing of statement.
30.08.084	Rights of holders of preferred or special classes of stock—Preference in dividends and liquidation.
30.08.086	Determination of capital impairment when capital consists of preferred stock.
30.08.087	Authorized but unissued shares of capital stock—Issuance—Consideration.
30.08.088	Authorized but unissued shares of capital stock—When shares become part of capital stock—Notice of proposed issuance—Approval.
30.08.090	May increase or decrease capital stock or otherwise amend articles—Procedure—Authorized but unissued stock—Statements of condition, certificates.
30.08.140	Corporate powers of banks.

**30.08.010 Incorporators—Paid-in capital stock, surplus, and undivided profits—Requirements.** When authorized by the supervisor, as hereinafter provided, five or more natural persons, citizens of the United States, may incorporate a bank or trust company in the manner herein prescribed. No bank or trust company shall incorporate for less amount nor commence business unless it has a paid-in capital stock, surplus and undivided profits in the amount as may be determined by the supervisor after consideration of the proposed location, management, and the population and economic characteristics for the area, the nature of the proposed activities and operation of the bank or trust company, and other factors deemed pertinent by the supervisor. Each bank and trust company shall before commencing business have subscribed and paid into it in the same manner as is required for capital stock, an amount equal to at least ten percent of the capital stock above required, that shall be carried in the undivided profit account and may be used to defray organization and operating expenses of the company. Any sum not so used shall be transferred to the surplus fund of the company before any dividend shall be declared to the stockholders. [1986 c 279 § 17; 1973 1st ex.s. c 104 § 3; 1969 c 136 § 3; 1955 c 33 § 30.08.010. Prior: 1947 c 131 § 1; 1929 c 72 § 4; 1923 c 115 § 2; 1917 c 80 § 19; Rem. Supp. 1947 § 3226.]

**30.08.020 Notice of intention to organize—Proposed articles of incorporation—Contents.** Persons desiring to incorporate a bank or trust company shall file with the supervisor a notice of their intention to organize a bank or trust company in such form and containing

such information as the supervisor shall prescribe by regulation, together with proposed articles of incorporation, which shall be submitted for examination to the supervisor at his office in Olympia.

The proposed articles of incorporation shall state:

- (1) The name of such bank or trust company.
- (2) The city, village or locality and county where the head office of such corporation is to be located.
- (3) The nature of its business, whether that of a commercial bank, or a trust company.
- (4) The amount of its capital stock, which shall be divided into shares of a par or no par value as may be provided in the articles of incorporation.
- (5) The names and places of residence and mailing addresses of the persons who as directors are to manage the corporation until the first annual meeting of its stockholders.
- (6) If there is to be preferred or special classes of stock, a statement of preferences, voting rights, if any, limitations and relative rights in respect of the shares of each class; or a statement that the shares of each class shall have the attributes as shall be determined by the bank's board of directors from time to time with the approval of the supervisor.
- (7) Any provision granting the shareholders the preemptive right to acquire additional shares of the bank and any provision granting shareholders the right to cumulate their votes.
- (8) Any provision, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision restricting the transfer of shares and any provision which under this title is required or permitted to be set forth in the bylaws.
- (9) Any provision the incorporators elect to set forth, not inconsistent with law or the purposes for which the bank is organized, or any provision limiting any of the powers granted in this title.

It shall not be necessary to set forth in the articles of incorporation any of the corporate powers granted in this title. The articles of incorporation shall be signed by all of the incorporators and acknowledged before an officer to take acknowledgments. [1986 c 279 § 18; 1981 c 73 § 1; 1973 1st ex.s. c 104 § 4; 1959 c 118 § 1; 1957 c 248 § 1; 1955 c 33 § 30.08.020. Prior: (i) 1923 c 115 § 3; 1917 c 80 § 20; RRS § 3227. (ii) 1929 c 174 § 1; 1923 c 115 § 4; 1917 c 80 § 21; RRS § 3228.]

**Effective date—1981 c 73:** "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, 1981." [1981 c 73 § 3.]

**30.08.050 Approved articles to be filed and recorded—Organization complete.** In case of approval the supervisor shall forthwith give notice thereof to the proposed incorporators and file one of the triplicate articles of incorporation in his own office, and shall transmit another triplicate to the secretary of state, and the last to the incorporators. Upon receipt from the proposed incorporators of the same fees as are required for filing

and recording other articles of incorporation the secretary of state shall file such articles and record the same. Upon the filing of articles of incorporation approved as aforesaid by the supervisor, with the secretary of state, all persons named therein and their successors shall become and be a corporation, which shall have the powers and be subject to the duties and obligations prescribed by this title, and whose existence shall continue from the date of the filing of such articles until terminated pursuant to law; but such corporation shall not transact any business except as is necessarily preliminary to its organization until it has received a certificate of authority as provided herein. [1986 c 279 § 19; 1981 c 302 § 16; 1957 c 248 § 2; 1955 c 33 § 30.08.050. Prior: 1929 c 72 § 3, part; 1923 c 115 § 5, part; 1917 c 80 § 22, part; RRS § 3229, part.]

**Severability—1981 c 302:** See note following RCW 19.76.100.

**30.08.060 Certificate of authority—Issuance—Contents.** Before any bank or trust company shall be authorized to do business, and within ninety days after approval of the articles of incorporation or such other time as the supervisor may allow, it shall furnish proof satisfactory to the supervisor that such corporation has a paid-in capital in the amount determined by the supervisor, that the requisite surplus or reserve fund has been accumulated or paid in cash, and that it has in good faith complied with all the requirements of law and fulfilled all the conditions precedent to commencing business imposed by this title. If so satisfied, and within thirty days after receipt of such proof, the supervisor shall issue under his hand and official seal, in triplicate, a certificate of authority for such corporation. The certificate shall state that the corporation therein named has complied with the requirements of law, that it is authorized to transact the business of a bank or trust company, or both, as the case may be: *Provided, however,* That the supervisor may make his issuance of the certificate to a bank or trust company authorized to accept deposits, conditional upon the granting of deposit insurance by the federal deposit insurance corporation, and in such event, shall set out such condition in a written notice which shall be delivered to the corporation.

One of the triplicate certificates shall be transmitted by the supervisor to the corporation and one of the other two shall be filed by the supervisor in the office of the secretary of state and shall be attached to said articles of incorporation: *Provided, however,* That if the issuance of the certificate is made conditional upon the granting of deposit insurance by the federal deposit insurance corporation, the supervisor shall not transmit or file the certificate until such condition is satisfied. [1986 c 279 § 20; 1981 c 302 § 17; 1973 1st ex.s. c 104 § 7; 1955 c 33 § 30.08.060. Prior: 1929 c 72 § 3, part; 1923 c 115 § 5, part; 1917 c 80 § 22, part; RRS § 3229, part.]

**Severability—1981 c 302:** See note following RCW 19.76.100.

**30.08.070 Failure to commence business—Effect—Extension of time.** Every corporation heretofore or hereafter authorized by the laws of this state to do

business as a bank or trust company, which corporation shall have failed to organize and commence business within six months after certificate of authority to commence business has been issued by the supervisor, shall forfeit its rights and privileges as such corporation, which fact the supervisor shall certify to the secretary of state, and such certificate of forfeiture shall be filed and recorded in the office of the secretary of state in the same manner as the certificate of authority: *Provided*, That the supervisor may, upon showing of cause satisfactory to him, issue an order under his hand and seal extending for not more than three months the time within which such organization may be effected and business commenced, such order to be transmitted to the office of the secretary of state and filed and recorded therein. [1986 c 279 § 21; 1981 c 302 § 18; 1955 c 33 § 30.08.070. Prior: 1931 c 9 § 1, RRS § 3229-1; 1915 c 175 § 41, RRS § 3370.]

**Severability**—1981 c 302: See note following RCW 19.76.100.

**30.08.082 Authority to issue preferred or special classes of stock.** (1) Notwithstanding any other provisions of law and if so authorized by its articles of incorporation or amendments thereto made in the manner provided in the case of a capital increase, any bank or trust company may, pursuant to action taken by its board of directors from time to time with the approval of the supervisor, issue shares of preferred or special classes of stock with the attributes and in such amounts and with such par value, if any, as shall be determined by the board of directors from time to time with the approval of the supervisor. No increase of preferred stock shall be valid until the amount thereof shall have been subscribed and actually paid in and a certificate of increase is received from the supervisor.

(2) If provided in its articles of incorporation, a bank or trust company may issue shares of preferred or special classes having any one or several of the following provisions:

(a) Subjecting the shares to the right of the bank or trust company to repurchase or retire any such shares at the price fixed by the articles of incorporation for the repurchase or retirement thereof;

(b) Entitling the holders thereof to cumulative, non-cumulative, or partially cumulative dividends;

(c) Having preference over any other class or classes of shares as to the payment of dividends;

(d) Having preference in the assets of the bank or trust company over any other class or classes of shares upon the voluntary or involuntary liquidation of the bank or trust company;

(e) Having voting or nonvoting rights; and

(f) Being convertible into shares of any other class or into shares of any series of the same or any other class, except a class having prior or superior rights and preferences as to dividends or distribution of assets upon liquidation. [1986 c 279 § 22; 1981 c 89 § 4.]

**Severability**—1981 c 89: See note following RCW 30.04.180.

**30.08.083 Authority to divide classes into series—Rights and preferences—Filing of statement.** (1) If the articles of incorporation shall expressly vest authority in the board of directors, then, to the extent that the articles of incorporation shall not have established series, and fixed and determined the variations in the relative rights and preferences as between series, the board of directors have authority to divide any or all of the classes into series and, within the limitation set forth in this section and in the articles of incorporation, fix and determine the relative rights and preferences of the shares of any series so established.

(2) In order for the board of directors to establish a series, where authority to do so is contained in the articles of incorporation, the board of directors shall adopt a resolution setting forth the designation of the series and fixing and determining the relative rights and preferences thereof, or so much thereof as is not fixed and determined by the articles of incorporation.

(3) Prior to the issue of any shares of a series established by resolution adopted by the board of directors, the corporation shall file and execute in the manner provided in this section a statement setting forth:

(a) The name of the bank;

(b) A copy of the resolution establishing and designating the series, and fixing and determining the relative rights and preferences thereof;

(c) The date of adoption of such resolution; and

(d) That the resolution was duly adopted by the board of directors.

(4) The statement shall be executed in triplicate by the bank by one of its officers and shall be delivered to the supervisor. If the supervisor finds that the statement conforms to law, the supervisor shall, when all fees have been paid as provided in this title:

(a) Endorse on each of the triplicate originals the word "Filed," and the effective date of the filing thereof;

(b) File two of the originals; and

(c) Return the other original to the bank or its representative.

(5) Upon the filing of the statement by the supervisor with the secretary of state, the resolution establishing and designating the series and fixing and determining the relative rights and preferences thereof shall become effective and shall constitute an amendment of the articles of incorporation. [1986 c 279 § 23.]

**30.08.084 Rights of holders of preferred or special classes of stock—Preference in dividends and liquidation.** Notwithstanding any other provisions of law, whether relating to restriction upon the payment of dividends upon capital stock or otherwise, the holders of shares of preferred or special classes of stock shall be entitled to receive such dividends on the purchase price received by the bank or trust company for such stock as may be provided by the articles of incorporation or by the board of directors of the bank or trust company with the approval of the supervisor.

No dividends shall be declared or paid on common stock until cumulative dividends, if any, on the shares of preferred or special classes of stock shall have been paid

in full; and, if the supervisor takes possession of a bank or trust company for purposes of liquidation, no payments shall be made to the holders of the common stock until the holders of the shares of preferred or special classes of stock shall have been paid in full such amount as may be provided under the terms of said shares plus all accumulated dividends, if any. [1986 c 279 § 24; 1981 c 89 § 5.]

**Severability—1981 c 89:** See note following RCW 30.04.180.

**30.08.086 Determination of capital impairment when capital consists of preferred stock.** If any part of the capital of a bank and trust company consists of preferred stock, the determination of whether or not the capital of such bank is impaired and the amount of such impairment shall be based on the value of its stock as established at the time it was issued, or its par value, if any, even though the amount which the holders of such preferred stock shall be entitled to receive in the event of retirement or liquidation shall be in excess of the originally established value or the par value of such preferred stock. [1986 c 279 § 25; 1981 c 89 § 6.]

**Severability—1981 c 89:** See note following RCW 30.04.180.

**30.08.087 Authorized but unissued shares of capital stock—Issuance—Consideration.** Any bank or trust company may provide in its articles of incorporation or amendments thereto for authorized but unissued shares of its capital stock. The shares may be issued for such consideration as shall be established by the board from time to time but for not less than the par value, if any, and all consideration received therefor shall be allocated to the capital stock or surplus of the corporation. [1986 c 279 § 26; 1979 c 106 § 1; 1965 c 140 § 1.]

**30.08.088 Authorized but unissued shares of capital stock—When shares become part of capital stock—Notice of proposed issuance—Approval.** The authorized but unissued shares shall not become a part of the capital stock until they have been issued and paid for. Prior to the issuance of authorized but unissued stock, the bank shall notify the supervisor of the proposed issuance and the consideration to be received therefor and receive the supervisor's approval thereof, except that such notification and such approval shall not be required if the authorized but unissued stock is issued to employees of the bank pursuant to approved stock option, stock purchase, stock bonus or other similar plans approved by the supervisor. [1986 c 279 § 27; 1979 c 106 § 2; 1965 c 140 § 2.]

**30.08.090 May increase or decrease capital stock or otherwise amend articles—Procedure—Authorized but unissued stock—Statements of condition, certificates.** Any bank or trust company may increase or decrease its capital stock or otherwise amend its articles of incorporation, in any manner not inconsistent with the provisions of this title, by a vote of the stockholders representing two-thirds of each class of shares entitled to vote under the terms of the shares at any regular meeting, or special meeting duly called for that purpose in

the manner prescribed by its bylaws. A certificate of the fact and the terms of the amendment shall be executed by a majority of the directors and filed as required herein for articles of incorporation. No issuance of capital stock shall be valid, until the amount thereof shall have been actually paid in and a certificate of increase is received from the supervisor. No reduction of the capital stock shall be made to an amount less than is required for capital by the supervisor. No amendment shall be made whereby a bank becomes a trust company unless such bank shall first receive permission from the supervisor.

Banks having authorized but unissued stock shall disclose on all statements of condition the amount of authorized stock and the amount of issued and paid in stock, as certified by the supervisor. The supervisor shall certify to each bank having authorized but unissued stock the amount of its issued and paid in capital stock and this amount shall be used in all statements of condition and in computing the capital of the bank for purposes of determining loan or investment limits until a new certificate is issued by the supervisor. In cases where a bank issues authorized but unissued stock as permitted by this title, a new certificate need not be requested upon each stock issue. However, if the bank so requests and the supervisor approves, a certificate of issued and paid in capital stock shall be issued by the supervisor. A new certificate must be requested at such time as any increase of paid in capital stock represents five percent of the authorized capital stock and at such time as there is no remaining authorized but unissued stock. [1986 c 279 § 28; 1965 c 140 § 3; 1955 c 33 § 30.08.090. Prior: 1923 c 115 § 7; 1917 c 80 § 26; RRS § 3233.]

**30.08.140 Corporate powers of banks.** Upon the issuance of a certificate of authority to a bank, the persons named in the articles of incorporation and their successors shall thereupon become a corporation and shall have power:

- (1) To adopt and use a corporate seal.
- (2) To have perpetual succession.
- (3) To make contracts.
- (4) To sue and be sued, the same as a natural person.
- (5) To elect directors who, subject to the provisions of the corporation's bylaws, shall have power to appoint such officers as may be necessary or convenient, to define their powers and duties and to dismiss them at pleasure, and who shall also have general supervision and control of the affairs of such corporation.
- (6) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for the administration and regulation of its affairs.
- (7) To invest and reinvest its funds in marketable obligations evidencing the indebtedness of any person, co-partnership, association, or corporation in the form of bonds, notes, or debentures commonly known as investment securities except as may by regulation be limited by the supervisor.
- (8) To discount and negotiate promissory notes, drafts, bills of exchange and other evidences of debt, to receive deposits of money and commercial paper, to lend

money secured or unsecured, to issue all forms of letters of credit, to buy and sell bullion, coins and bills of exchange.

(9) To take and receive as bailee for hire upon terms and conditions to be prescribed by the corporation, for safekeeping and storage, jewelry, plate, money, specie, bullion, stocks, bonds, mortgages, securities and valuable paper of any kind and other valuable personal property, and to rent vaults, safes, boxes and other receptacles for safekeeping and storage of personal property.

(10) If the bank be located in a city of not more than five thousand inhabitants, to act as insurance agent. A bank exercising this power may continue to act as an insurance agent notwithstanding a change of the population of the city in which it is located.

(11) To accept drafts or bills of exchange drawn upon it having not more than six months sight to run, which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving the domestic shipment of goods, providing shipping documents conveying or securing title are attached at the time of acceptance; or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title to readily marketable staples. No bank shall accept, either in a foreign or a domestic transaction, for any one person, company, firm or corporation, to an amount equal at any one time in the aggregate to more than ten percent of its paid up and unimpaired capital stock and surplus unless the bank is secured by attached documents or by some other actual security growing out of the same transaction as the acceptance; and no bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half of its paid up and unimpaired capital stock and surplus: *Provided, however,* That the supervisor, under such general regulations applicable to all banks irrespective of the amount of capital or surplus, as he may prescribe may authorize any bank to accept such bills to an amount not exceeding at any time in the aggregate one hundred percent of its paid up and unimpaired capital stock and surplus: *Provided, further,* That the aggregate of acceptances growing out of domestic transactions shall in no event exceed fifty percent of such capital stock and surplus.

(12) To accept drafts or bills of exchange drawn upon it, having not more than three months sight to run, drawn under regulations to be prescribed by the supervisor by banks or bankers in foreign countries or dependencies or insular possessions of the United States for the purpose of furnishing dollar exchange as required by the usages of trade in the respective countries, dependencies or insular possessions. Such drafts or bills may be acquired by banks in such amounts and subject to such regulations, restrictions and limitations as may be provided by the supervisor: *Provided, however,* That no bank shall accept such drafts or bills of exchange referred to in this subdivision for any one bank to an amount exceeding in the aggregate ten percent of the paid up and unimpaired capital and surplus of the accepting bank unless the draft or bill of exchange is accompanied by documents conveying or securing title or

by some other adequate security, and that no such drafts or bills of exchange shall be accepted by any bank in an amount exceeding at any time the aggregate of one-half of its paid up and unimpaired capital and surplus: *Provided further,* That compliance by any bank which is a member of the federal reserve system of the United States with the rules, regulations and limitations adopted by the federal reserve board thereof with respect to the acceptance of drafts or bills of exchange by members of such federal reserve system shall be a sufficient compliance with the requirements of this subdivision or paragraph relating to rules, regulations and limitations prescribed by the supervisor.

(13) To have and exercise all powers necessary or convenient to effect its purposes.

(14) To serve as custodian of an individual retirement account and pension and profit sharing plans qualified under internal revenue code section 401 (a), the assets of which are invested in deposits of the bank or trust company or are invested, pursuant to directions from the customer owning the account, in securities traded on a national securities market: *Provided,* That the bank or trust company shall accept no investment responsibilities over the account unless it is granted trust powers by the supervisor.

(15) To be a limited partner in a limited partnership that engages in only such activities as are authorized for the bank. [1986 c 279 § 29; 1957 c 248 § 3; 1955 c 33 § 30.08.140. Prior: 1931 c 127 § 1; 1919 c 209 § 8; 1917 c 80 § 23; RRS § 3230.]

## Chapter 30.12

### OFFICERS, EMPLOYEES, AND STOCKHOLDERS

Sections	
30.12.010	Directors—Election—Meetings—Oath—Vacancies.
30.12.020	Meetings, where held—Corporate records.
30.12.025	Rights of shareholder to examine and make extracts of records—Penalty—Financial statements.
30.12.030	Fidelity bonds—Casualty insurance.
30.12.050	Purchase of assets by officer, etc.
30.12.080	Repealed.
30.12.110	Commission, etc., for procuring loan—Penalty.
30.12.115	Transactions in which director or officer has an interest through 30.12.170 Repealed.
30.12.140	Repealed.
30.12.200	Repealed.
30.12.205	Stock purchase options—Incentive bonus contracts, stock purchase or bonus plans, and profit sharing plans.
30.12.210	Repealed.
30.12.230	Immunity of shareholders of bank insured by the federal deposit insurance corporation.

**30.12.010 Directors—Election—Meetings—Oath—Vacancies.** Every bank and trust company shall be managed by not less than five directors, who need not be residents of this state. Directors shall be elected by the stockholders and hold office for such term as is specified in the articles of incorporation, not exceeding three years, and until their successors are elected and have qualified. In the first instance the directors shall be those named in the articles of incorporation and afterwards, those elected at the annual meeting

of the stockholders to be held at least once each year on a day to be specified by the bank's or trust company's bylaws. Shareholders may not cumulate their votes unless the articles of incorporation specifically so provide. If for any cause no election is held at that time, it may be held at an adjourned meeting or at a subsequent meeting called for that purpose in the manner prescribed by the corporation's bylaws. The directors shall meet at least once each month and whenever required by the supervisor. A majority of the then serving board of directors shall constitute a quorum for the transaction of business. At all stockholders' meetings, each share shall be entitled to one vote, unless the articles of incorporation provide otherwise. Any stockholder may vote in person or by written proxy.

Immediately upon election, each director shall take, subscribe, swear to, and file with the supervisor an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such corporation and will not knowingly violate or willingly permit to be violated any provision of law applicable to such corporation. Vacancies in the board of directors shall be filled by the board. [1986 c 279 § 30; 1982 c 196 § 8; 1981 c 89 § 3; 1975 c 35 § 1; 1969 c 136 § 8; 1957 c 190 § 1; 1955 c 33 § 30.12.010. Prior: 1947 c 129 § 1; 1917 c 80 § 30; Rem. Supp. 1947 § 3237.]

**Severability—1982 c 196:** See note following RCW 30.04.550.

**Severability—1981 c 89:** See note following RCW 30.04.180.

**30.12.020 Meetings, where held—Corporate records.** All meetings of the stockholders of any bank or trust company, except organization meetings, and meetings held with the consent of all stockholders, must be held in the county in which the head office or any branch of the corporation is located. Meetings of the directors of any bank or trust company may be held either within or without this state. Every such corporation shall keep records in which shall be recorded the names and residences of the stockholders thereof, the number of shares held by each, and also the transfers of stock, showing the time when made, the number of shares and by whom transferred. In all actions, suits and proceedings, said records shall be prima facie proof of the facts shown therein. All of the corporate books, including the certificate book, stockholders' ledger and minute book or a copy thereof shall be kept at the corporation's principal place of business. Any books, record, and minutes may be in written form or any other form capable of being converted to written form within a reasonable time. [1986 c 279 § 31; 1969 c 136 § 9; 1955 c 33 § 30.12.020. Prior: 1927 c 179 § 1; 1917 c 80 § 31; RRS § 3238.]

**30.12.025 Rights of shareholder to examine and make extracts of records—Penalty—Financial statements.** Any person who has been a shareholder of record at least six months immediately preceding his or her demand or who is the holder of record of at least five percent of all the outstanding shares of a bank or trust company, upon written demand stating the purpose thereof, has the right to examine, in person, or by agent

or attorney, at any reasonable time or times, for any proper purpose, the bank or trust company's minutes of the proceedings of its shareholders, its shareholder records, and its existing publicly available records. The person is entitled to make extracts therefrom, except that the person is not entitled to view or make extracts of any portion of minutes that refer or relate to information which is confidential.

Any officer or agent who, or a bank or trust company that, refuses to allow any such shareholder or his or her agent or attorney, to examine and make extracts from its minutes of the proceedings of its shareholders, record of shareholders, or existing publicly available books and records, for any proper purpose, shall be liable to the shareholder for actual damages or other remedy afforded the shareholder by law.

It is a defense to any action for penalties under this section that the person suing therefor has, within two years: (1) Sold or offered for sale any list of shareholders for shares of such bank or trust company or any other bank or trust company; (2) aided or abetted any person in procuring any list of shareholders for any such purpose; (3) improperly used any information secured through any prior examination of existing publicly available books and records, or minutes, or record of shareholders of such bank or trust company or any other bank or trust company; or (4) not acted in good faith or for a proper purpose in making his or her demand.

Nothing in this section impairs the power of any court of competent jurisdiction, upon proof by a shareholder of proper purpose, irrespective of the period of time during which the shareholder has been a shareholder of record, and irrespective of the number of shares held by him or her, to compel the production for examination by the shareholder of the existing publicly available books and records, minutes, and record of shareholders of a bank or trust company.

Upon the written request of any shareholder of a bank or trust company, the bank or trust company shall mail to the shareholder its most recent financial statements showing in reasonable detail its assets and liabilities and the results of its operations. As used in this section, "shareholder" includes the holder of voting trust certificates for shares. [1986 c 279 § 32.]

**30.12.030 Fidelity bonds—Casualty insurance.** (1) Except as otherwise permitted by the supervisor under specified terms and conditions, the board of directors of each bank and trust company shall direct and require good and sufficient surety company fidelity bonds issued by a company authorized to engage in the insurance business in the state of Washington on all active officers and employees, whether or not they draw salary or compensation, which bonds shall provide for indemnity to such bank or trust company, on account of any losses sustained by it as the result of any dishonest, fraudulent or criminal act or omission committed or omitted by them acting independently or in collusion or combination with any person or persons. Such bonds may be individual, schedule or blanket form, and the premiums therefor shall be paid by the bank or trust company.

(2) The said directors shall also direct and require suitable insurance protection to the bank or trust company against burglary, robbery, theft and other similar insurance hazards to which the bank or trust company may be exposed in the operations of its business on the premises or elsewhere.

The said directors shall be responsible for prescribing at least once in each year the amount or penal sum of such bonds or policies and the sureties or underwriters thereon, after giving due consideration to all known elements and factors constituting such risk or hazard. Such action shall be recorded in the minutes of the board of directors. [1986 c 279 § 33; 1955 c 33 § 30.12.030. Prior: 1947 c 132 § 1; 1927 c 224 § 1; 1917 c 80 § 32; Rem. Supp. 1947 § 3239.]

**30.12.050 Purchase of assets by officer, etc.** A director, officer, employee or other agent of any bank shall not purchase, or be interested in the purchase, directly or indirectly, of any of its assets without the previous consent of a majority of disinterested directors of the bank: *Provided*, That if the fair market value of the asset or assets exceed ten thousand dollars, not less than ten days' prior notice of the sale shall be given to the supervisor. [1986 c 279 § 34; 1955 c 33 § 30.12.050. Prior: 1933 c 42 § 23; RRS § 3260-1.]

**30.12.080 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**30.12.110 Commission, etc., for procuring loan—Penalty.** No officer, director, agent, employee or stockholder of any bank or trust company shall, directly or indirectly, receive a bonus, commission, compensation, remuneration, gift, speculative interest or gratuity of any kind from any person, firm or corporation other than the bank or as allowed by RCW 30.12.115 for granting, procuring or endeavoring to procure, for any person, firm or corporation, any loan by or out of the funds of such bank or trust company or the purchase or sale of any securities or property for or on account of such bank or trust company or for granting or procuring permission for any person, firm or corporation to overdraw any account with such bank or trust company. Any person violating this section shall be guilty of a gross misdemeanor. [1986 c 279 § 35; 1955 c 33 § 30.12.110. Prior: 1919 c 209 § 20; RRS § 3290.]

**30.12.115 Transactions in which director or officer has an interest.** (1) If a transaction is fair to a corporation at the time it is authorized, approved, or ratified, the fact that a director or an officer had a direct or indirect interest in the transaction is not grounds for either invalidating the transaction or imposing liability on the director or officer.

(2) In any proceeding seeking to invalidate a transaction with the corporation in which a director or an officer had a direct or indirect interest in a transaction with the corporation, the person asserting the validity of the transaction has the burden of proving fairness unless:

(a) The material facts of the transaction and the director's or officer's interest was disclosed or known to the board of directors, or a committee of the board, and the board or committee authorized, approved, or ratified the transaction; or

(b) The material facts of the transaction and the director's or officer's interest was disclosed or known to the shareholders entitled to vote, and they authorized, approved, or ratified the transaction.

(3) For purposes of this section, a director or an officer of a corporation has an indirect interest in a transaction with the corporation if:

(a) Another entity in which the director or officer has a material financial interest, or in which such person is a general partner, is a party to the transaction; or

(b) Another entity of which the director or officer is a director, officer, or trustee is a party to the transaction, and the transaction is or should be considered by the board of directors of the corporation.

(4) For purposes of subsection (3)(a) of this section, a transaction is authorized, approved, or ratified only if it receives the affirmative vote of a majority of the directors on the board of directors or on the committee who have no direct or indirect interest in the transaction. If a majority of the directors who have no direct or indirect interest in the transaction vote to authorize, approve, or ratify the transaction, a quorum is present for the purpose of taking action under this section. The presence of, or a vote cast by, a director with a direct or indirect interest in the transaction does not affect the validity of any action taken under subsection (3)(a) of this section if the transaction is otherwise authorized, approved, or ratified as provided in that subsection.

(5) For purposes of subsection (3)(b) of this section, a transaction is authorized, approved, or ratified only if it receives the vote of a majority of shares entitled to be counted under this subsection. All outstanding shares entitled to vote under this title or the articles of incorporation are entitled to be counted under this subsection except shares owned by or voted under the control of a director or an officer who has a direct or indirect interest in the transaction. Shares owned by or voted under the control of an entity described in subsection (3)(a) of this section shall not be counted to determine whether shareholders have authorized, approved, or ratified a transaction for purposes of subsection (3)(b) of this section. The vote of the shares owned by or voted under the control of a director or an officer who has a direct or indirect interest in the transaction and shares owned by or voted under the control of an entity described in subsection (3)(a) of this section, however, shall be counted in determining whether the transaction is approved under other sections of this title and for purposes of determining a quorum. [1986 c 279 § 36.]

**30.12.140 through 30.12.170 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**30.12.200 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.



**30.12.205 Stock purchase options—Incentive bonus contracts, stock purchase or bonus plans, and profit sharing plans.** Subject to any restrictions in its articles of incorporation and in accordance with and subject to the provisions of RCW 30.08.088, the board of directors of a bank or trust company may grant options entitling the holders thereof to purchase from the corporation shares of any class of its stock. The instrument evidencing the option shall state the terms upon which, the time within which, and the price at which such shares may be purchased from the corporation upon the exercise of such option. If any such options are granted by contract, or are to be granted pursuant to a plan, to officers or employees of the bank or trust company, then the contract or the plan shall require the approval, within twelve months of its approval by the board of directors, of the holders of a majority of its voting capital stock. Subsequent amendments to any such contract or plan which do not change the price or duration of any option, the maximum number of shares which may be subject to options, or the class of employees eligible for options may be made by the board of directors without further shareholder approval.

Subject to any restrictions in its articles of incorporation, the board of directors of a bank or trust company shall have the authority to enter into any plans or contracts providing for compensation for its officers and employees, including, but not being limited to, incentive bonus contracts, stock purchase or bonus plans and profit sharing plans. [1986 c 279 § 37.]

**30.12.210 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**30.12.230 Immunity of shareholders of bank insured by the federal deposit insurance corporation.** The shareholders of a banking corporation organized under the laws of this state and the deposits of which are insured by the federal deposit insurance corporation shall not be liable for any debts or obligations of the bank. [1986 c 279 § 50.]

## Chapter 30.20 DEPOSITS

Sections	
30.20.060	Deposits and accounts—Regulations—Passbooks or records—Deposit contract.
30.20.070	Repealed.
30.20.080	Repealed.

**30.20.060 Deposits and accounts—Regulations—Passbooks or records—Deposit contract.** A bank or trust company shall repay all deposits to the depositor or his lawful representative when required at such time or times and with such interest as the regulations of the corporation shall prescribe. Such regulations shall be prescribed by the directors of the bank or trust company and may contain provisions with respect to the terms and conditions upon which any account or deposit

will be maintained by said bank or trust company. Such regulations and any amendments thereto shall be posted in a conspicuous place in a room where the deposit business of the bank or trust company shall be transacted and shall remain available to depositors upon request. All such rules and regulations and all amendments thereto from time to time in effect shall be binding upon all depositors. At the option of the bank, a passbook shall be issued to each savings account depositor, or a record maintained in lieu of a passbook. A deposit contract may be adopted by the bank or trust company in lieu of or in addition to account rules and regulations and shall be enforceable and amendable in the same manner as provided herein for account rules and regulations or as provided in the deposit contract. A copy of such contract shall be provided to the depositor. [1986 c 279 § 38; 1961 c 280 § 3; 1959 c 106 § 5; 1955 c 33 § 30.20.060. Prior: 1945 c 69 § 1; 1935 c 93 § 1; 1917 c 80 § 38; Rem. Supp. 1945 § 3244a.]

**30.20.070 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**30.20.080 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

## Chapter 30.40 BRANCH BANKS

Sections	
30.40.020	Branches authorized.
30.40.060	Repealed.

**30.40.020 Branches authorized.** A bank or trust company may, with the approval of the supervisor, establish and operate branches anywhere within the state. A bank having a paid-in capital of not less than one million dollars may, with the approval of the supervisor, establish and operate branches in any foreign country. The supervisor's approval of a branch within this state shall be conditioned on a finding that the resources in the neighborhood of the proposed location and in the surrounding country offer a reasonable promise of adequate support for the proposed branch and that the proposed branch is not being formed for other than the legitimate objects covered by this title. The supervisor's approval of a branch in a foreign country shall be conditioned on a finding that the proposed location offers a reasonable promise of adequate support for the proposed branch, [and] that the proposed branch is not being formed for other than the legitimate objects covered by this title. [1986 c 279 § 39; 1981 c 73 § 2; 1973 1st ex.s. c 53 § 35; 1969 c 136 § 6; 1955 c 33 § 30.40.020. Prior: 1933 c 42 § 5; RRS § 3231-1.]

**Effective date—1981 c 73:** See note following RCW 30.08.020.  
**Severability—1973 1st ex.s. c 53:** See RCW 30.42.900.

**30.40.060 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**Chapter 30.43**  
**SATELLITE FACILITIES**

## Sections

30.43.010 Definitions.

**30.43.010 Definitions.** As used in this chapter the term "financial institution" means any bank or trust company established in this state pursuant to Title 12, United States Code, chapter 2, or Title 30 RCW, any mutual savings bank established in this state pursuant to Title 32 RCW, any savings and loan association established in this state pursuant to Title 12, United States Code, chapter 12, or Title 33 RCW, and any credit union established in this state pursuant to Title 12, United States Code, chapter 14 or chapters 31.12 and 31.13 RCW.

As used in this chapter, the term "supervisor" means, if applicable to banks, trust companies, or mutual savings banks, the supervisor of banking and, if applicable to savings and loan associations and credit unions, the supervisor of savings and loan associations, or the National Credit Union Administration in the case of federally chartered credit unions.

As used in this chapter, the term "satellite facility" means an unmanned facility at which transactions, including, but not being limited to account transfers, payments, and instructions for deposits and withdrawals may be conducted and which is not a part of a branch or main office of the financial institution: *Provided*, That such a facility shall not be construed to be the establishment of a branch: *Provided further*, That an unmanned facility which is connected to a dispenser of goods or services and that originates or communicates funds transfer instructions for the payment of such goods or services shall not be a "satellite facility." [1986 c 279 § 45; 1979 c 137 § 1; 1974 ex.s. c 166 § 1.]

**Severability—1979 c 137:** "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." [1979 c 137 § 5.]

**Chapter 30.49**

**MERGER, CONSOLIDATION, AND CONVERSION**

## Sections

30.49.010 Definitions.

30.49.040 Merger to resulting state bank—Exception—  
Agreement, contents, approval, amendment.

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

"Merging bank" means a party to a merger;

"Converting bank" means a bank converting from a state to a national bank, or the reverse;

"Merger" includes consolidation;

"Resulting bank" means the bank resulting from a merger or conversion.

Wherever reference is made to a vote of stockholders or a vote of classes of stockholders it shall mean only a vote of those entitled to vote under the terms of such

shares. [1986 c 279 § 43; 1955 c 33 § 30.49.010. Prior: 1953 c 234 § 1.]

**30.49.040 Merger to resulting state bank—Exception—Agreement, contents, approval, amendment.** This section is applicable where there is to be a resulting state bank, except in the case of reorganization and exchange as authorized by this title.

(1) The board of directors of each merging state bank shall, by a majority of the entire board, approve a merger agreement which shall contain:

(a) The name of each merging state or national bank and location of each office;

(b) With respect to the resulting state bank, (i) the name and location of the principal and other offices; (ii) the name and mailing address of each director to serve until the next annual meeting of the stockholders; (iii) the name and mailing address of each officer; (iv) the amount of capital, the number of shares and the par value, if any, of each share; and (v) the amendments to its charters and bylaws;

(c) Provisions governing the exchange of shares of the merging state or national banks for such consideration as has been agreed to in the merger agreement;

(d) A statement that the agreement is subject to approval by the supervisor of banking and the stockholders of each merging state or national bank;

(e) Provisions governing the manner of disposing of the shares of the resulting state bank if such shares are to be issued in the transaction and are not taken by dissenting shareholders of merging state or national banks;

(f) Such other provisions as the supervisor of banking requires to discharge his or her duties with respect to the merger;

(2) After approval by the board of directors of each merging state bank, the merger agreement shall be submitted to the supervisor of banking for approval, together with certified copies of the authorizing resolutions of each board of directors showing approval by a majority of the entire board and evidence of proper action by the board of directors of any merging national bank;

(3) Within sixty days after receipt by the supervisor of banking of the papers specified in subsection (2) of this section, the supervisor of banking shall approve or disapprove of the merger agreement, and if no action is taken, the agreement shall be deemed approved. The supervisor of banking shall approve the agreement if it appears that:

(a) The resulting state bank meets the requirements of state law as to the formation of a new state bank;

(b) The agreement provides an adequate capital structure including surplus in relation to the deposit liabilities of the resulting state bank and its other activities which are to continue or are to be undertaken;

(c) The agreement is fair;

(d) The merger is not contrary to the public interest.

If the supervisor of banking disapproves an agreement, he or she shall state his or her objections and give an opportunity to the merging state or national banks to amend the merger agreement to obviate such objections.

[1986 c 279 § 49; 1982 c 196 § 9; 1955 c 33 § 30.49-.040. Prior: 1953 c 234 § 4.]

**Severability—1982 c 196:** See note following RCW 30.04.550.  
**Reorganization as subsidiary of bank holding company:** RCW 30.04-.550 through 30.04.570.

## Title 31 MISCELLANEOUS LOAN AGENCIES

### Chapters

#### 31.30 Washington land bank.

#### Chapter 31.30

#### WASHINGTON LAND BANK

#### Sections

31.30.010	Establishment of Washington land bank required— "Farmer and rancher" defined.
31.30.020	Powers of land bank.
31.30.030	Stock.
31.30.040	Long-term real estate mortgage loans in rural areas.
31.30.050	Rates and charges on loans.
31.30.060	Availability of services to farmer or rancher stockholders or members.
31.30.070	Limitation on loans—Security.
31.30.080	Deferral of payments for five years—Election— Recomputation of payment schedule.
31.30.090	Loans to be based on long-term profitability.
31.30.100	Loans—Origination or service by other entities.
31.30.110	Loans for agricultural needs—Leasing of needed facilities.
31.30.120	Application of corporation laws.
31.30.130	Indebtedness not obligation of state—Funds not public funds.
31.30.140	Land bank advisory committee—Report.
31.30.900	Severability—1986 c 284.

**31.30.010 Establishment of Washington land bank required—"Farmer and rancher" defined.** The director of general administration, by rule, shall provide for the establishment, incorporation, operation, and regulation of a borrower-owned corporate entity to be known as the Washington land bank. The Washington land bank shall be patterned after the federal land banks organized under the Farm Credit Act of 1971, as amended, within state constitutional limits. The Washington land bank shall be organized by eligible borrowers and shall be designed to accomplish the objective of furnishing sound, adequate, and constructive long-term credit to farmer and rancher borrowers in the state of Washington. For purposes of this chapter, "farmer and rancher" includes producers of privately cultured aquatic products. [1986 c 284 § 1.]

**31.30.020 Powers of land bank.** The Washington land bank shall be a body corporate and, subject to regulation as provided by rules promulgated by the director of general administration, shall have the power to:

- (1) Adopt and use a corporate seal.
- (2) Have succession until dissolved under this chapter or rules promulgated pursuant to RCW 31.30.010.
- (3) Make contracts.

(4) Sue and be sued.

(5) Acquire, hold, dispose, and otherwise exercise all the usual incidents of ownership of real and personal property necessary or convenient to its business.

(6) Make and participate in loans, make commitments for credit, accept advance payments, and provide services and other assistance as authorized in this chapter, and charge fees therefor.

(7) Operate under the direction of its board of directors.

(8) Elect by its board of directors a president, any vice-president, a secretary, and a treasurer, and provide for such other officers, employees, and agents as may be necessary, define their duties, and require surety bonds or make other provision against losses occasioned by employees.

(9) Prescribe by its board of directors its bylaws not inconsistent with law providing for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired; its officers, employees, and agents are elected or provided for; its property acquired, held, and transferred; its loans and appraisals made; its general business conducted; and the privileges granted it by law exercised and enjoyed.

(10) Borrow money and issue notes, bonds, debentures, or other obligations of such character, terms, conditions, and rates of interest as may be determined.

(11) Participate with one or more other lenders, including federal land banks existing under the Farm Credit Act of 1971, as amended, in loans that the corporation is authorized to make under this chapter.

(12) Deposit its securities and its current funds with any member bank of the federal reserve system or any insured state nonmember bank as defined in section 2 of the Federal Deposit Insurance Act and pay fees therefor and receive interest thereon as may be agreed.

(13) Buy and sell obligations of or insured by the United States or of any agency thereof, and, as may be authorized by its board of directors and by rule promulgated pursuant to RCW 31.30.010, (a) sell to other lenders interests in loans, (b) buy from other lenders interests in loans which the corporation could make directly under this chapter, and (c) make other investments.

(14) Conduct studies and make and adopt standards for lending.

(15) Amend and modify loan contracts, documents, and payment schedules, and release, subordinate, or substitute security for any of them.

(16) Exercise by its board of directors or authorized officers, employees, or agents all such incidental powers as may be necessary or expedient to carry on the business of the corporation. [1986 c 284 § 2.]

**31.30.030 Stock.** The voting stock of the Washington land bank shall be held only by borrowers who are farmers or ranchers, which stock shall not be transferred, pledged, or hypothecated except to other eligible borrowers. The rules promulgated by the director pursuant to RCW 31.30.010 shall provide for the amount, par value, classes, voting, dividends, and other

attributes of the stock of the corporation. [1986 c 284 § 3.]

**31.30.040 Long-term real estate mortgage loans in rural areas.** The Washington land bank is authorized to make or participate with other lenders in long-term real estate mortgage loans in rural areas to eligible borrowers, and to make continuing commitments to make such loans under specified circumstances, for a term of not less than five nor more than forty years. [1986 c 284 § 4.]

**31.30.050 Rates and charges on loans.** Loans made by the Washington land bank shall bear interest at a rate or rates, and on such terms and conditions, as may be determined by the board of directors of the bank from time to time, in accordance with rules promulgated pursuant to RCW 31.30.010. In setting rates and charges, it shall be the objective to provide the credit needed by eligible borrowers at the lowest reasonable cost on a sound business basis, taking into account the cost of money to the corporation, necessary reserves and expenses of the corporation, and providing services to stockholders and members. The loan documents may provide for the interest rate or rates to vary from time to time during the repayment period of the loan, in accordance with the rate or rates currently being charged by the corporation. [1986 c 284 § 5.]

**31.30.060 Availability of services to farmer or rancher stockholders or members.** The services authorized in this chapter may be made available to persons who are or become stockholders or members in the Washington land bank and are bona fide farmers or ranchers. [1986 c 284 § 6.]

**31.30.070 Limitation on loans—Security.** Loans originated by the Washington land bank or in which it participates with another lender, including principal and all accrued interest the payment of which has been deferred pursuant to RCW 31.30.080, shall not exceed sixty-five percent of the appraised value of the real estate security, and shall be secured by first liens on interests in real estate of such classes as may be provided by rule promulgated pursuant to RCW 31.30.010. The value of security shall be determined by appraisal under appraisal standards prescribed by such rules. Additional security may be required to supplement real estate security. [1986 c 284 § 7.]

**31.30.080 Deferral of payments for five years—Election—Recomputation of payment schedule.** A borrower may elect, during the first five years of a loan originated by the Washington land bank or in which it participates with another lender, to defer payment of all or any portion of the principal or interest due from the borrower to the corporation, unless the deferral of such payment would cause the principal and accrued interest on such loan to exceed sixty-five percent of the original appraised value or the current appraised value, whichever is less. Upon such election, the payment schedule

related to such loan shall be recomputed and modified to provide for repayment of the principal amount of the loan plus accrued but unpaid interest and all interest which shall accrue during the period of deferral and thereafter over a term equal to the original term of the loan, commencing as of the date of such deferral. [1986 c 284 § 8.]

**31.30.090 Loans to be based on long-term profitability.** Loans made by the Washington land bank shall be made on the basis of long-term profitability rather than short-term cash flow. [1986 c 284 § 9.]

**31.30.100 Loans—Origination or service by other entities.** The Washington land bank may, in accordance with rules adopted pursuant to RCW 31.30.010, cause loans to be originated or serviced by other entities, including cooperative associations organized specifically for the purposes of this chapter, and may pay or charge a fee therefor. [1986 c 284 § 10.]

**31.30.110 Loans for agricultural needs—Leasing of needed facilities.** Loans made by the Washington land bank to farmers and ranchers may be for any agricultural need of the borrower. The bank may own and lease, or lease with option to purchase, to persons eligible for assistance under this chapter, facilities needed in the operations of such persons. [1986 c 284 § 11.]

**31.30.120 Application of corporation laws.** The provisions of the general corporation laws of this state, and all powers and rights thereunder, shall apply to the corporation organized under this chapter, except where such provisions are in conflict with or inconsistent with the express provisions of this chapter or rules adopted pursuant to RCW 31.30.010. [1986 c 284 § 12.]

**31.30.130 Indebtedness not obligation of state—Funds not public funds.** Bonds and other evidences of indebtedness issued pursuant to this chapter shall not be obligations of the state of Washington and shall be obligations only of the Washington land bank established pursuant to this chapter. Funds of the Washington land bank shall not be or constitute public moneys or funds of the state of Washington but shall at all times be kept segregated and set apart from other funds. [1986 c 284 § 13.]

**31.30.140 Land bank advisory committee—Report.** There is hereby created the land bank advisory committee to advise the department of general administration in the development of rules and procedures under RCW 31.30.010 which apply to the establishment of the Washington land bank. The committee shall be composed of nine members: One member from each caucus appointed by the president of the senate; one member from each caucus appointed by the speaker of the house of representatives; the director of agriculture or his or her designee; one member knowledgeable in agricultural

financing appointed by the director of general administration; two members representing agricultural producers appointed by the director of agriculture; and the director of general administration, or his or her designee.

The advisory committee shall meet at the call of the chair elected by the committee, but shall not meet less than four times. The advisory committee shall provide a report on the status of implementation of the Washington land bank to the legislature by January 1, 1987. [1986 c 284 § 14.]

**31.30.900 Severability—1986 c 284.** 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. [1986 c 284 § 16.]

## Title 34

### ADMINISTRATIVE LAW

#### Chapters

- 34.08** Washington State Register Act of 1977.  
**34.12** Office of administrative hearings.

#### Chapter 34.08

##### WASHINGTON STATE REGISTER ACT OF 1977

#### Sections

- 34.08.020 Washington State Register—Created—Publication period—Contents.

**34.08.020 Washington State Register—Created—Publication period—Contents.** There is hereby created a state publication to be called the Washington State Register, which shall be published on no less than a monthly basis. The register shall contain, but is not limited to, the following materials received by the code reviser's office during the pertinent publication period:

(1) (a) The full text of any proposed new or amendatory rule, as defined in RCW 34.04.010, and the citation of any existing rules the repeal of which is proposed, prior to the public hearing on such proposal. Such material shall be considered, when published, to be the official notification of the intended action, and no state agency or official thereof may take action on any such rule except on emergency rules adopted in accordance with RCW 34.04.030, until twenty days have passed since the distribution date of the register in which the rule and hearing notice have been published or a notice regarding the omission of the rule has been published pursuant to RCW 34.04.050(3) as now or hereafter amended;

(b) The small business economic impact statement, if required by RCW 19.85.030, preceding the full text of the proposed new or amendatory rule;

(2) The full text of any new or amendatory rule adopted, and the citation of any existing rule repealed, on a permanent or emergency basis;

(3) Executive orders and emergency declarations of the governor;

(4) Public meeting notices of any and all agencies of state government, including state elected officials whose offices are created by Article III of the state Constitution or RCW 48.02.010;

(5) Rules of the state supreme court which have been adopted but not yet published in an official permanent codification;

(6) Summaries of attorney general opinions and letter opinions, noting the number, date, subject, and other information, and prepared by the attorney general for inclusion in the register;

(7) Juvenile disposition standards and security guidelines proposed and adopted under RCW 13.40.030; and

(8) The maximum allowable rates of interest and retail installment contract service charges filed by the state treasurer under RCW 19.52.025 and 63.14.135. In addition, the highest rate of interest permissible for the current month and the maximum retail installment contract service charge for the current year shall be published in each issue of the register. The publication of the maximum allowable interest rate established pursuant to RCW 19.52.025 shall be accompanied by the following advisement: **NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.** [1986 c 60 § 3; 1983 c 2 § 8. Prior: 1982 c 6 § 6; 1981 c 299 § 18; 1980 c 186 § 15; 1977 ex.s. c 240 § 3.]

**Severability—1983 c 2:** See note following RCW 18.71.030.

**Severability—1982 c 6:** See RCW 19.85.900.

**Severability—1980 c 186:** See note following RCW 34.04.045.  
*Schedule of regular meetings of state agencies: RCW 42.30.075.*

#### Chapter 34.12

##### OFFICE OF ADMINISTRATIVE HEARINGS

#### Sections

- 34.12.100 - Salaries. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November 1986 general election.)

**34.12.100 Salaries. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November 1986 general election.)** The chief administrative law judge shall be paid a salary fixed by the governor after recommendation of the state committee on agency officials' salaries. The salaries of administrative law judges appointed under the terms of this chapter shall be determined by the chief administrative law judge after recommendation of the state committee on agency officials' salaries. [1986 c 155 § 10; 1981 c 67 § 10.]

**Contingent effective date—Severability—1986 c 155:** See notes following RCW 43.03.300.

**Effective dates—Severability—1981 c 67:** See notes following RCW 34.12.010.

## Title 35 CITIES AND TOWNS

### Chapters

- 35.02 Incorporation proceedings.**
- 35.03 Incorporation of first class cities.**
- 35.04 Incorporation of intercounty areas.**
- 35.10 Consolidation and annexation of cities and towns.**
- 35.13 Annexation of unincorporated areas.**
- 35.21 Miscellaneous provisions affecting all cities and towns.**
- 35.22 First class cities.**
- 35.23 Second class cities.**
- 35.24 Third class cities.**
- 35.27 Towns.**
- 35.44 Local improvements—Assessments and reassessments.**
- 35.67 Sewerage systems—Refuse collection and disposal.**
- 35.72 Contracts for street projects.**
- 35.92 Municipal utilities.**
- 35.94 Sale or lease of municipal utilities.**

### Chapter 35.02

#### INCORPORATION PROCEEDINGS

##### Sections

- 35.02.005 Purpose.
- 35.02.010 Authority for incorporation—Number of inhabitants required.
- 35.02.020 Petition for incorporation—Signatures.
- 35.02.030 Petition for incorporation—Contents.
- 35.02.035 Petition—Auditor's duties.
- 35.02.037 Petition—Notice of certification.
- 35.02.039 Public hearing—Time limitations.
- 35.02.040 Public hearing—Publication of notice.
- 35.02.050 Repealed.
- 35.02.060 Repealed.
- 35.02.070 Findings by county legislative authority—Establishment of boundaries—Limitations.
- 35.02.078 Elections—Question of incorporation—Nomination and election of officers.
- 35.02.080 Repealed.
- 35.02.086 Elections—Candidates—Filing—Withdrawal—Ballot position.
- 35.02.090 Elections—Conduct—Voters' qualifications.
- 35.02.100 Election on question of incorporation—Notice—Contents.
- 35.02.110 Election on question of incorporation—Ballots.
- 35.02.120 Election on question of incorporation—Certification of results.
- 35.02.130 Effective date of incorporation—Limited powers during interim period—Terms of elected officers—First municipal election.
- 35.02.140 Disposition of uncollected road district taxes.
- 35.02.150 Pending final disposition of petition no other petition for incorporation to be acted upon—Withdrawal or substitution—Action on petition for annexation authorized.

- 35.02.160 Cancellation, acquisition, of franchise or permit for operation of public service business in territory incorporated.
- 35.02.170 Centerlines of streets, roads or highways as corporate boundaries—Prohibition—Use of right of way lines.
- 35.02.180 Ownership of county roads to revert to city or town—Territory within city or town to be removed from fire protection, road, and library districts.
- 35.02.190 Annexation of fire protection district—Ownership of assets of fire protection district—When at least sixty percent of assessed valuation is annexed or incorporated in city or town.
- 35.02.200 Annexation of fire protection district—Ownership of assets of fire protection district—When less than sixty percent.
- 35.02.210 Fire protection district and library district—Continuation of services at option of city or town.
- 35.02.220 Duty of county and road, library, and fire districts to continue services during transition period—Road maintenance and law enforcement services.
- 35.02.225 County may contract to provide essential services.
- 35.02.230 Incorporation of city or town located in more than one county—Powers and duties of county after incorporation—Costs.
- 35.02.240 Incorporation of city or town located in more than one county—Taxes—Powers and duties of county after incorporation—Costs.
- 35.02.250 Corporate powers in dealings with federal government.

**35.02.005 Purpose.** The purpose of chapter 35.02 RCW is to provide a clear and uniform process for the incorporation of cities or towns operating under either Title 35 or 35A RCW. An incorporation may result in the creation of a second class city, third class city, or town operating under Title 35 RCW, or a noncharter code city operating under Title 35A RCW. [1986 c 234 § 1.]

**35.02.010 Authority for incorporation—Number of inhabitants required.** Any contiguous area containing not less than three hundred inhabitants lying outside the limits of an incorporated city or town may become incorporated as a city or town operating under Title 35 or 35A RCW as provided in this chapter: *Provided*, That no area which lies within five air miles of the boundary of any city having a population of fifteen thousand or more shall be incorporated which contains less than three thousand inhabitants. [1986 c 234 § 2; 1969 c 48 § 1; 1965 c 7 § 35.02.010. Prior: 1963 c 57 § 1; 1890 p 131 § 1; 1888 p 221 § 1; 1877 p 173 § 1; 1871 p 51 § 1; RRS § 8883.]

**Validation—1961 ex.s. c 16:** Validation of certain incorporations and annexations—Municipal corporations of the fourth class: See note following RCW 35.21.010.

**Validating—1899 c 61:** "Any municipal corporation which has been incorporated under the existing laws of this state shall be a valid municipal corporation notwithstanding a failure to publish the notice of the election held or to be held for the purpose of determining whether such city should or shall become incorporated, for the length of time required by law governing such incorporation: *Provided*, A notice fulfilling in other respects the requirements of law shall have been published for one week prior to such election in a newspaper printed and published within the boundaries of the corporation." [1899 c 61 p 103 § 1.]

**Validating—1893 c 80:** "The incorporation of all cities and towns in this state heretofore had or attempted under sections one, two and three of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and

declaring an emergency,' approved March 24, 1890, and the re-incorporation of all cities and towns in this state heretofore had or attempted under sections one, four and five of said act, under which attempted incorporation or re-incorporation an organized government has been maintained since the date thereof, is hereby for all purposes declared legal and valid, and such cities and towns are hereby declared duly incorporated. And all contracts and obligations heretofore made, entered into or incurred by any such city or town so incorporated or re-incorporated are hereby declared legal and valid and of full force and effect." [1893 c 80 p 183 § 1.]

**Validating—1890 c 7:** "When so incorporated, the debts due from such town, village or city to any person, firm or corporation may be assumed and paid by the municipal authorities of such town, village or city; and all debts due to such town, village or city from any person, firm or corporation shall be deemed ratified, and may be collected in the same manner and in all respects as though such original incorporation were valid." [1890 c 7 p 136 § 7.]

### **35.02.020 Petition for incorporation—Signatures.**

A petition for incorporation must be signed by qualified voters resident within the limits of the proposed city or town equal in number to ten percent of the votes cast at the last state general election and presented to the auditor of the county in which all, or the largest portion of, the proposed city or town is located. [1986 c 234 § 3; 1965 c 7 § 35.02.020. Prior: 1957 c 173 § 2; prior: 1953 c 219 § 1; 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]

### **35.02.030 Petition for incorporation—Contents.**

The petition for incorporation shall: (1) Indicate whether the proposed city or town shall be a noncharter code city operating under Title 35A RCW, or a city or town operating under Title 35 RCW; (2) indicate the form or plan of government the city or town is to have; (3) set forth and particularly describe the proposed boundaries of the proposed city or town; (4) state the name of the proposed city or town; (5) state the number of inhabitants therein, as nearly as may be; and (6) pray that it may be incorporated. The petition shall conform to the requirements for form prescribed in RCW 35A-.01.040. If the proposed city or town is located in more than one county, the petition shall be prepared in such a manner as to indicate the different counties within which the signators reside. A city or town operating under Title 35 RCW may have a mayor/council, council/manager, or commission form of government. A city operating under Title 35A RCW may have a mayor/council or council/manager plan of government. If the petition fails to specify the matters described in subsection (1) of this section, the proposal shall be to incorporate as a noncharter code city. If the petition fails to specify the matter described in subsection (2) of this section, the proposal shall be to incorporate with a mayor/council form or plan of government. [1986 c 234 § 4; 1965 c 7 § 35.02.030. Prior: 1957 c 173 § 3; prior: 1953 c 219 § 2; 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]

**35.02.035 Petition—Auditor's duties.** The county auditor shall within thirty days from the time of receiving said petition determine if the petition contains a sufficient number of valid signatures. If the proposed city

or town is located in more than one county, the auditor shall immediately transmit a copy of the petition to the auditor of the other county or counties within which the proposed city or town is located. Each of these other county auditors shall certify the number of valid signatures thereon of voters residing in the county and transmit the certification to the auditor of the county with whom the petition was originally filed. This auditor shall determine if the petition contains a sufficient number of valid signatures. If the petition is certified as having sufficient valid signatures, the county auditor shall transmit said petition, accompanied by the certificate of sufficiency, to the county legislative authority or authorities of the county or counties within which the proposed city or town is located. [1986 c 234 § 5; 1965 c 7 § 35-.02.035. Prior: 1953 c 219 § 8.]

**35.02.037 Petition—Notice of certification.** The county auditor who certifies the sufficiency of the petition shall notify the person or persons who submitted the petition of its sufficiency within five days of when the determination of sufficiency is made. Notice shall be by certified mail and may additionally be made by telephone. If a boundary review board or boards exists in the county or counties in which the proposed city or town is located, the petitioners shall file notice of the proposed incorporation with the boundary review board or boards. [1986 c 234 § 6.]

**35.02.039 Public hearing—Time limitations.** (1) The county legislative authority of the county in which the proposed city or town is located shall hold a public hearing on the proposed incorporation if no boundary review board exists in the county, or if the boundary review board does not take jurisdiction over the proposal. The public hearing shall be held within sixty days of when the county auditor notifies the legislative authority of the sufficiency of the petition if no boundary review board exists in the county, or within ninety days of when notice of the proposal is filed with the boundary review board if the boundary review board fails to take jurisdiction over the proposal. The public hearing may be continued to other days, not extending more than sixty days beyond the initial hearing date. If the boundary review board takes jurisdiction, the county legislative authority shall not hold a public hearing on the proposal.

(2) If the proposed city or town is located in more than one county, a public hearing shall be held in each of the counties by the county legislative authority or boundary review board. Joint public hearings may be held by two or more county legislative authorities, or two or more boundary review boards. [1986 c 234 § 7.]

**35.02.040 Public hearing—Publication of notice.** Notice of the public hearing by the county legislative authority on the proposed incorporation shall be by one publication in not more than ten nor less than three days prior to the date set for said hearing in one or more newspapers of general circulation within the area proposed to be incorporated. Said notice shall contain the time and place of said hearing. [1986 c 234 § 8; 1965 c

7 § 35.02.040. Prior: 1957 c 173 § 4; prior: 1953 c 219 § 3; 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]

**35.02.050 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**35.02.060 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**35.02.070 Findings by county legislative authority—Establishment of boundaries—Limitations.** (1) If a county legislative authority holds a public hearing on a proposed incorporation, it shall establish and define the boundaries of the proposed city or town, being authorized to decrease but not increase the area proposed in the petition, except for adjusting the boundaries out to the right of way line of any portion of a public highway, street, or road pursuant to RCW 35.02.170. Any decrease shall not exceed twenty percent of the area proposed or that portion of the area located within the county: *Provided*, That the area shall not be so decreased that the number of inhabitants therein shall be less than required by RCW 35.02.010 as now or hereafter amended. The county legislative authority, or the boundary review board if it takes jurisdiction, shall determine the number of inhabitants within the boundaries it has established.

(2) A county legislative authority shall disapprove the proposed incorporation if, without decreasing the area proposed in the petition, it does not conform with RCW 35.02.010. A county legislative authority may not otherwise disapprove a proposed incorporation.

(3) A county legislative authority or boundary review board has jurisdiction only over that portion of a proposed city or town located within the boundaries of the county. [1986 c 234 § 9; 1975 1st ex.s. c 220 § 3; 1965 c 7 § 35.02.070. Prior: 1963 c 57 § 2; 1957 c 173 § 7; prior: 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]

**Legislative finding, intent—1975 1st ex.s. c 220:** See note following RCW 35.02.170.

*Incorporation subject to approval by boundary review board: RCW 36.93.090.*

**35.02.078 Elections—Question of incorporation—Nomination and election of officers.** An election shall be held in the area proposed to be incorporated to determine whether the proposed city or town shall be incorporated if the boundary review board approves or modifies and approves the proposal, or if the county legislative authority does not disapprove the proposal as provided in RCW 35.02.070. Voters at this election shall determine if the area is to be incorporated.

The initial election on the question of incorporation shall be held at the next special election date specified in RCW 29.13.020 that occurs sixty or more days after the final public hearing by the county legislative authority

or authorities, or the approval or modification and approval by the boundary review board or boards. The county legislative authority or authorities shall call for this election and, if the incorporation is approved, shall call for other elections to elect the elected officials as provided in this section. If the vote in favor of the incorporation receives forty percent or less of the total vote on the question of incorporation, no new election on the question of incorporation for the area or any portion of the area proposed to be incorporated may be held for a period of three years from the date of the election in which the incorporation failed.

If the incorporation is authorized as provided by RCW 35.02.120, separate elections shall be held to nominate and elect persons to fill the various elective offices prescribed by law for the population and type of city or town, and to which it will belong. The primary election to nominate candidates for these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs sixty or more days after the election on the question of incorporation. The election to fill these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs thirty or more days after certification of the results of the primary election. [1986 c 234 § 10.]

**35.02.080 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**35.02.086 Elections—Candidates—Filing—Withdrawal—Ballot position.** Each candidate for a city or town elective position shall file a declaration of candidacy with the county auditor of the county in which all or the major portion of the city or town is located, not more than forty-five nor less than thirty days prior to the primary election at which the initial elected officials are nominated. The elective positions shall be as provided in law for the type of city or town and form or plan of government specified in the petition to incorporate, and for the population of the city or town as determined by the county legislative authority or boundary review board where applicable. Any candidate may withdraw his or her declaration at any time within five days after the last day allowed for filing declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates. Names of candidates printed upon the ballot need not be rotated. [1986 c 234 § 11; 1965 c 7 § 35.02.086. Prior: 1953 c 219 § 9.]

*Arrangement of names on ballot: RCW 29.21.090.*

**35.02.090 Elections—Conduct—Voters' qualifications.** The elections on the proposed incorporation and for the nomination and election of the initial elected officials shall be conducted in accordance with the general election laws of the state, except as provided in this chapter. No person is entitled to vote thereat unless he or she is a qualified elector of the county, or any of the counties in which the proposed city or town is located,



and has resided within the limits of the proposed city or town for at least thirty days next preceding the date of election. [1986 c 234 § 12; 1965 c 7 § 35.02.090. Prior: 1890 p 133 § 3, part; RRS § 8885, part.]

**35.02.100 Election on question of incorporation—**  
**Notice—Contents.** The notice of election on the question of the incorporation shall be given as provided by RCW 29.27.080 but shall further describe the boundaries of the proposed city or town, its name, and the number of inhabitants ascertained by the county legislative authority or the boundary review board to reside in it. [1986 c 234 § 13; 1965 c 7 § 35.02.100. Prior: 1957 c 173 § 9; prior: 1953 c 219 § 5; 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]

**35.02.110 Election on question of incorporation—**  
**Ballots.** The ballots in the initial election on the question of incorporation shall contain the words "for incorporation" and "against incorporation" or words equivalent thereto. [1986 c 234 § 14; 1965 c 7 § 35.02.110. Prior: 1957 c 173 § 10; prior: 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]

**35.02.120 Election on question of incorporation—**  
**Certification of results.** If the results reveal that a majority of the votes cast are for incorporation, the city or town shall become incorporated as provided in RCW 35.02.130. If the proposed city or town is located in more than one county, the auditors of the county or counties in which the smaller portion or portions of the proposed city or town is located shall forward a certified copy of the election results to the auditor of the county within which the major portion is located. This auditor shall add these totals to the totals in his or her county and certify the results to each of the county legislative authorities. [1986 c 234 § 15; 1965 c 7 § 35.02.120. Prior: 1953 c 219 § 6; 1890 p 133 § 3, part; RRS § 8885, part.]

*Canvassing returns, generally: Chapter 29.62 RCW.*  
*Conduct of elections—Canvass: RCW 29.13.040.*

**35.02.130 Effective date of incorporation—**  
**Limited powers during interim period—**  
**Terms of elected officers—**  
**First municipal election.** The city or town officially shall become incorporated at a date from one hundred eighty days to three hundred sixty days after the date of the election on the question of incorporation. An interim period shall exist between the time the newly elected officials have been elected and qualified and this official date of incorporation. During this interim period, the newly elected officials are authorized to adopt ordinances and resolutions which shall become effective on or after the official date of incorporation, and to enter into contracts and agreements to facilitate the transition to becoming a city or town and to ensure a continuation of governmental services after the official date of incorporation. Tax anticipation or revenue anticipation notes or warrants may be issued during this interim period.

The governing body of the new city or town may acquire needed facilities, supplies, equipment, insurance, and staff during this interim period as if the city or town were in existence. This governing body may submit ballot propositions to the voters of the city or town to authorize taxes to be collected on or after the official date of incorporation, or authorize an annexation of the city or town by a fire protection district or library district to be effective immediately upon the effective date of the incorporation as a city or town.

The boundaries of a newly incorporated city or town shall be deemed to be established for purposes of RCW 84.09.030 on the date that the results of the initial election on the question of incorporation are certified or the first day of January following the date of this election if the newly incorporated city or town does not impose property taxes in the same year that the voters approve the incorporation.

The newly elected officials shall take office immediately upon their election and qualification with limited powers during this interim period as provided in this section. They shall acquire their full powers as of the official date of incorporation and shall continue in office until their successors are elected and qualified at the next general municipal election after the official date of incorporation: *Provided*, That if the date of the next general municipal election is less than seventy-five days after the official date of incorporation, the initially elected officials shall hold office until their successors are elected and qualified at the general municipal election next following.

The official date of incorporation shall be on a date from one hundred eighty to three hundred sixty days after the date of the election on the question of incorporation, as specified in a resolution adopted by the governing body during this interim period. A copy of the resolution shall be filed with the county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located. If the governing body fails to adopt such a resolution, the official date of incorporation shall be three hundred sixty days after the date of the election on the question of incorporation. The county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located shall file a notice with the county assessor that the city or town has been authorized to be incorporated immediately after the favorable results of the election on the question of incorporation have been certified. The county legislative authority shall file a notice with the secretary of state that the city or town is incorporated as of the official date of incorporation. [1986 c 234 § 16; 1965 c 7 § 35.02.130. Prior: 1953 c 219 § 7; 1890 p 133 § 3, part; RRS § 8885, part.]

*Times for holding elections: Chapter 29.13 RCW.*

**35.02.140 Disposition of uncollected road district taxes.** Whenever in any territory forming a part of an incorporated city or town which is part of a road district, and road district regular property taxes are collectable on any property within such territory, the same shall,

when collected by the county treasurer, be paid to such city or town and placed in the city or town street fund by the city or town: *Provided*, That this section shall not apply to excess property tax levies securing general indebtedness or any special assessments due in behalf of such property. [1986 c 234 § 20; 1965 c 7 § 35.02.140. Prior: 1957 c 180 § 1.]

*County road districts: RCW 36.75.060.*

**35.02.150 Pending final disposition of petition no other petition for incorporation to be acted upon—Withdrawal or substitution—Action on petition for annexation authorized.** After the filing of any petition for incorporation with the county auditor, and pending its final disposition as provided for in this chapter, no other petition for incorporation which embraces any of the territory included therein shall be acted upon by the county auditor, the county legislative authority, or the boundary review board, or by any other public official or body that might otherwise be empowered to receive or act upon such a petition: *Provided*, That any petition for incorporation may be withdrawn by a majority of the signers thereof at any time before such petition has been certified by the county auditor to the county legislative authority: *Provided further*, That a new petition may be substituted therefor that embraces other or different boundaries, incorporation as a city or town operating under a different title of law, or for incorporation as a city or town operating under a different plan or form of government, by a majority of the signers of the original incorporation petition, at any time before the original petition has been certified by the county auditor to the county legislative authority, in which case the same proceedings shall be taken as in the case of an original petition. A boundary review board, county auditor, county legislative authority, or any other public official or body may act upon a petition for annexation before considering or acting upon a petition for incorporation which embraces some or all of the same territory, without regard to priority of filing. [1986 c 234 § 23; 1982 c 220 § 3; 1973 1st ex.s. c 164 § 1; 1965 c 7 § 35.02.150. Prior: 1961 c 200 § 1.]

**Severability—1982 c 220:** See note following RCW 36.93.100.

**Annexation petition**

*action without regard to priority of filing: RCW 36.93.115.*

*no other annexation petition to be acted upon pending final disposition: RCW 35.13.175.*

**35.02.160 Cancellation, acquisition, of franchise or permit for operation of public service business in territory incorporated.** The incorporation of any territory as a city or town shall cancel, as of the effective date of such incorporation, any franchise or permit theretofore granted to any person, firm or corporation by the state of Washington, or by the governing body of such incorporated territory, authorizing or otherwise permitting the operation of any public transportation, garbage collection and/or disposal or other similar public service business or facility within the limits of the incorporated territory, but the holder of any such franchise or permit canceled pursuant to this section shall be forthwith

granted by the incorporating city or town a franchise to continue such business within the incorporated territory for a term of not less than the remaining term of the original franchise or permit, or five years, whichever is the shorter period, and the incorporating city or town, by franchise, permit or public operation, shall not extend similar or competing services to the incorporated territory except upon a proper showing of the inability or refusal of such person, firm or corporation to adequately service said incorporated territory at a reasonable price: *Provided*, That the provisions of this section shall not preclude the purchase by the incorporating city or town of said franchise, business, or facilities at an agreed or negotiated price, or from acquiring the same by condemnation upon payment of damages, including a reasonable amount for the loss of the franchise or permit. In the event that any person, firm or corporation whose franchise or permit has been canceled by the terms of this section shall suffer any measurable damages as a result of any incorporation pursuant to the provisions of chapter 35.02 RCW, such person, firm or corporation shall have a right of action against any city or town causing such damages. [1986 c 234 § 24; 1965 ex.s. c 42 § 1.]

**35.02.170 Centerlines of streets, roads or highways as corporate boundaries—Prohibition—Use of right of way lines.** Centerlines of public streets, roads or highways shall not be used to define any part of a boundary of a city or town in an incorporation or annexation proceeding. The right of way line of any public street, road or highway, or any segment thereof, may be used to define a part of a corporate boundary in an incorporation or annexation proceeding. [1986 c 234 § 25; 1975 1st ex.s. c 220 § 2.]

**Legislative finding, intent—1975 1st ex.s. c 220:** "The legislature finds that the use of centerlines of public streets, roads and highways as boundaries of incorporated cities and towns has resulted in divided jurisdiction over such public ways causing inefficiencies and waste in their construction, improvement and maintenance and impairing effective traffic law enforcement. It is the intent of \*this act to preclude the use of highway centerlines as corporate boundaries in the future and to encourage counties and cities and towns by agreement to revise existing highway centerline boundaries to coincide with highway right of way lines." [1975 1st ex.s. c 220 § 1.]

**\*Reviser's note:** "this act" [1975 1st ex.s. c 220] consists of RCW 35.02.170, 35.21.790, 35A.03.180, 35A.21.210 and amendments by 1975 1st ex.s. c 220 to RCW 35.02.070, 35.03.030, 35.04.060, 35.13.015, 35.13.030, 35.13.130, 35.13.150, 35A.03.070, 35A.04.070, 35A.14.015, 35A.14.050, 35A.14.140 and 36.93.150.

*Revision of centerline boundaries by substituting right of way lines: RCW 35.21.790.*

**35.02.180 Ownership of county roads to revert to city or town—Territory within city or town to be removed from fire protection, road, and library districts.** The ownership of all county roads located within the boundaries of a newly incorporated city or town shall revert to the city or town and become streets as of the official date of incorporation. However, any special assessments attributable to these county roads shall continue to exist and be collected as if the incorporation had not occurred. Property within the newly incorporated city or town shall continue to be subject to any indebtedness

attributable to these roads and any related property tax levies.

The territory included within the newly incorporated city or town shall be removed from the road district as of the official date of incorporation. The territory included within the newly incorporated city or town shall be removed from a fire protection district or districts or library district or districts in which it was located, as of the official date of incorporation, unless the fire protection district or districts have annexed the city or town during the interim period as provided in \*RCW 52.04.160 through 52.04.200, or the library district or districts have annexed the city or town during the interim period as provided in RCW 27.12.260 through 27.12.290. [1986 c 234 § 17.]

**\*Reviser's note:** RCW 52.04.160 has been decodified and RCW 52.04.170 through 52.04.200 have been recodified, pursuant to 1984 c 230 § 89, as RCW 52.04.061 through 52.04.101.

**35.02.190 Annexation of fire protection district—Ownership of assets of fire protection district—When at least sixty percent of assessed valuation is annexed or incorporated in city or town.** If a portion of a fire protection district including at least sixty percent of the assessed valuation of the real property of the district is annexed to or incorporated into a city or town, ownership of all of the assets of the district shall be vested in the city or town, upon payment in cash, properties or contracts for fire protection services to the district within one year, of a percentage of the value of said assets equal to the percentage of the value of the real property in entire district remaining outside the incorporated or annexed area. The fire protection district may elect, by a vote of a majority of the persons residing outside the annexed or incorporated area who vote on the proposition, to require the annexing or incorporating city or town to assume responsibility for the provision of fire protection, and for the operation and maintenance of the district's property, facilities, and equipment throughout the district and to pay the city or town a reasonable fee for such fire protection, operation, and maintenance.

If all of a fire protection district is included in an area that incorporates as a city or town or is annexed to a city or town, all of the assets and liabilities of the fire protection district shall be transferred to the newly incorporated city or town upon its official date of incorporation or to the city or town upon the annexation. [1986 c 234 § 18; 1981 c 332 § 5; 1965 c 7 § 35.13.247. Prior: 1963 c 231 § 3. Formerly RCW 35.13.247.]

**Severability—1981 c 332:** See note following RCW 35.13.025.

**35.02.200 Annexation of fire protection district—Ownership of assets of fire protection district—When less than sixty percent.** (1) If a portion of a fire protection district including less than sixty percent of the assessed value of the real property of the district is annexed to or incorporated into a city or town, the ownership of all assets of the district shall remain in the district and the district shall pay to the city or town within one year or within such period of time as the district

continues to collect taxes in such incorporated or annexed areas, in cash, properties or contracts for fire protection services, a percentage of the value of said assets equal to the percentage of the value of the real property in the entire district lying within the area so incorporated or annexed: *Provided*, That if the area annexed or incorporated includes less than five percent of the assessed value of the real property of the district, no payment shall be made to the city or town.

(2) As provided in RCW 35.02.210, the fire protection district from which territory is removed as a result of an incorporation or annexation shall provide fire protection to the incorporated or annexed area for such period as the district continues to collect taxes levied in such annexed or incorporated area.

(3) For the purposes of this section, the word "assets" shall mean the total assets of the fire district, reduced by its liabilities, including bonded indebtedness, the same to be determined by usual and accepted accounting methods. The amount of said liability shall be determined by reference to the fire district's balance sheet, produced in the regular course of business, which is nearest in time to the certification of the annexation of fire district territory by the city or town. [1986 c 234 § 19; 1967 c 146 § 1; 1965 c 7 § 35.13.248. Prior: 1963 c 231 § 4. Formerly RCW 35.13.248.]

**35.02.210 Fire protection district and library district—Continuation of services at option of city or town.** At the option of the governing body of a newly incorporated city or town, any fire protection district or library district serving any part of the area so incorporated shall continue to provide services to such area until the city or town receives distributions of property tax receipts from these special districts pursuant to RCW 35.02.140, or the city or town receives its own property tax receipts, whichever is earlier. [1986 c 234 § 21; 1967 ex.s. c 119 § 35A.03.160. Formerly RCW 35A.03.160.]

**35.02.220 Duty of county and road, library, and fire districts to continue services during transition period—Road maintenance and law enforcement services.** The approval of an incorporation by the voters of a proposed city or town, and the existence of a transition period to become a city or town, shall not remove the responsibility of any county, road district, library district, or fire district, within which the area is located, to continue providing services to the area until the official date of the incorporation.

A county shall continue to provide the following services to a newly incorporated city or town, or that portion of the county within which the newly incorporated city or town is located, at the preincorporation level as follows:

(1) Law enforcement services shall be provided for a period not to exceed sixty days from the official date of the incorporation or until the city or town is receiving or could have begun receiving sales tax distributions under RCW 82.14.030(1), whichever is the shortest time period.

(2) Road maintenance shall be for a period not to exceed sixty days from the official date of the incorporation or until any tax distribution from the road district tax levy is made to the newly incorporated city or town pursuant to RCW 35.02.140, whichever is the shorter time period. [1986 c 234 § 22; 1985 c 143 § 1. Formerly RCW 35.21.763.]

**35.02.225 County may contract to provide essential services.** It is the desire of the legislature that the citizens of newly incorporated cities or towns receive uninterrupted and adequate services in the period prior to the city or town government attaining the ability to provide such service levels. In addition to the services provided under RCW 35.02.220, it is the purpose of this section to permit the county or counties in which a newly incorporated city or town is located to contract with the newly incorporated city or town for the continuation of essential services until the newly incorporated city or town has attained the ability to provide such services at least at the levels provided by the county before the incorporation. These essential services may include but are not limited to, law enforcement, road and street maintenance, drainage, and other utility services previously provided by the county before incorporation. The contract should be negotiated on the basis of the county's cost to provide services without consideration of capital assets which do not continue to be amortized for principal and interest or depreciated by the county. The exception for not considering capital assets which are no longer amortized for principal and interest or depreciated is recognition of the preexisting financial investment of citizens of the newly incorporated city or town have made in county capital assets.

Nothing in this section limits the ability of the county and the newly incorporated city or town to contract for higher service levels or for other time periods than those imposed by this section. [1985 c 332 § 7. Formerly RCW 35.21.764.]

**35.02.230 Incorporation of city or town located in more than one county—Powers and duties of county after incorporation—Costs.** After incorporation of a city or town located in more than one county, all purposes essential to the maintenance, operation, and administration of the city or town whenever any action is required or may be performed by the county, county legislative authority, or any county officer or board, such action shall be performed by the respective county, county legislative authority, officer, or board of the county of that part of the city or town in which the largest number of inhabitants reside as of the date of the incorporation of the proposed city or town except as provided in RCW 35.02.240, and all costs incurred shall be borne proportionately by each county in that ratio which the number of inhabitants residing in that part of each county forming a part of the proposed city or town bears to the total number of inhabitants residing within the whole of the city or town. [1986 c 234 § 26; 1965 c 7 § 35.04.150. Prior: 1955 c 345 § 15. Formerly RCW 35.04.150.]

**35.02.240 Incorporation of city or town located in more than one county—Taxes—Powers and duties of county after incorporation—Costs.** In the case of evaluation, assessment, collection, apportionment, and any other allied power or duty relating to taxes in connection with the city or town, the action shall be performed by the county, county legislative authority, or county officer or board of the county for that area of the city or town which is located within the respective county, and all materials, information, and other data and all moneys collected shall be submitted to the proper officer of the county of that part of the city or town in which the largest number of inhabitants reside. Any power which may be or duty which shall be performed in connection therewith shall be performed by the county, county legislative authority, officer, or board receiving such as though only a city or town in a single county were concerned. All moneys collected from such area constituting a part of such city or town that should be paid to such city or town shall be delivered to the treasurer thereof, and all other materials, information, or data relating to the city or town shall be submitted to the appropriate city or town officials.

Any costs or expenses incurred under this section shall be borne proportionately by each county involved. [1986 c 234 § 27; 1965 c 7 § 35.04.160. Prior: 1955 c 345 § 16. Formerly RCW 35.04.160.]

**35.02.250 Corporate powers in dealings with federal government.** Any city or town incorporated as provided in this chapter shall, in addition to all other powers, duties and benefits of a city or town of the same type or class, be authorized to purchase, acquire, lease, or administer any property, real or personal, or property rights and improvements thereon owned by the federal government on such terms and conditions as may be mutually agreed upon, when authorized to do so by the United States government, and thereafter to sell, transfer, exchange, lease, or otherwise dispose of any such property, and to execute contracts with the federal government with respect to supplying water and for other utility services. [1986 c 234 § 28; 1965 c 7 § 35.04.170. Prior: 1955 c 345 § 17. Formerly RCW 35.04.170.]

### Chapter 35.03

#### INCORPORATION OF FIRST CLASS CITIES

##### Sections

35.03.005 through 35.03.050 Repealed.  
35.03.060 Decodified.

**35.03.005 through 35.03.050 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**35.03.060 Decodified.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 35.04

#### INCORPORATION OF INTERCOUNTY AREAS

##### Sections

35.04.010	through 35.04.140 Repealed.
35.04.150	Recodified as RCW 35.02.230.
35.04.160	Recodified as RCW 35.02.240.
35.04.170	Recodified as RCW 35.02.250.
35.04.180	Repealed.
35.04.190	Decodified.

**35.04.010 through 35.04.140 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**35.04.150 Recodified as RCW 35.02.230.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**35.04.160 Recodified as RCW 35.02.240.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**35.04.170 Recodified as RCW 35.02.250.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**35.04.180 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**35.04.190 Decodified.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 35.10

#### CONSOLIDATION AND ANNEXATION OF CITIES AND TOWNS

##### Sections

35.10.217	Methods for annexation.
35.10.360	Annexation—Transfer of fire department employees.
35.10.365	Annexation—Transfer of fire department employees—Rights and benefits.
35.10.370	Annexation—Transfer of fire department employees—Notice—Time limitation.
35.10.510	Consolidation—Transfer of fire department employees. (Effective July 1, 1987.)
35.10.520	Consolidation—Transfer of fire department employees—Rights and benefits. (Effective July 1, 1987.)
35.10.530	Consolidation—Transfer of fire department employees—Notice—Time limitation. (Effective July 1, 1987.)

**35.10.217 Methods for annexation.** The following methods are available for the annexation of all or a part of a city or town to another city or town:

(1) A petition for an election to vote upon the annexation, which proposed annexation is approved by the legislative body of the city or town from which the territory will be taken, may be submitted to the legislative body of the city or town to which annexation is proposed. An annexation under this subsection shall otherwise conform with the requirements for and procedures of a petition and election method of annexing unincorporated territory under chapter 35.13 RCW, except for

the requirement for the approval of the annexation by the city or town from which the territory would be taken.

(2) The legislative body of a city or town may on its own initiative by resolution indicate its desire to be annexed to a city or town either in whole or in part, or the legislative body of a city or town proposing to annex all or part of another city or town may initiate the annexation by adopting a resolution indicating that desire. In case such resolution is passed, such resolution shall be transmitted to the other affected city or town. The annexation is effective if the other city or town adopts a resolution concurring in the annexation, unless the owners of property in the area proposed to be annexed, equal in value to sixty percent or more of the assessed valuation of the property in the area, protest the proposed annexation in writing to the legislative body of the city or town proposing to annex the area, within thirty days of the adoption of the second resolution accepting the annexation. Notices of the public hearing at which the second resolution is adopted shall be mailed to the owners of the property within the area proposed to be annexed in the same manner that notices of a hearing on a proposed local improvement district are required to be mailed by a city or town as provided in chapter 35.43 RCW. An annexation under this subsection shall be potentially subject to review by a boundary review board or other annexation review board after the adoption of the initial resolution, and the second resolution may not be adopted until the proposed annexation has been approved by the board.

(3) The owners of property located in a city or town may petition for annexation to another city or town. An annexation under this subsection shall conform with the requirements for and procedures of a direct petition method of annexing unincorporated territory, except that the legislative body of the city or town from which the territory would be taken must approve the annexation before it may proceed.

(4) All annexations under this section are subject to potential review by the local boundary review board or annexation review board. [1986 c 253 § 1; 1985 c 281 § 15; 1969 ex.s. c 89 § 4.]

**35.10.360 Annexation—Transfer of fire department employees.** Upon the annexation of two or more cities or code cities, any employee of the fire department of the former city or cities who (1) was at the time of annexation employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the fire department of the annexed city or code city, as the case may be, (2) will, as a direct consequence of annexation, be separated from the employ of the former city, code city or town, and (3) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer employment to the fire department of the annexing city, as provided in this section and RCW 35.10.365 and 35.10.370.

For purposes of this section and RCW 35.10.365 and 35.10.370, employee means an individual whose employment has been terminated because of annexation by a city, code city or town. [1986 c 254 § 4.]

**35.10.365 Annexation—Transfer of fire department employees—Rights and benefits.** (1) An eligible employee may transfer into the civil service system of the annexing city, code city or town by filing a written request with the city, code city or town civil service commission. Upon receipt of such request by the civil service commission the transfer of employment shall be made. The employee so transferring will (a) be on probation for the same period as are new employees in the position filled, (b) be eligible for promotion after completion of the probationary period as completed, (c) receive a salary at least equal to that of other new employees in the position filled, and (d) in all other matters, such as retirement, sick leave, and vacation, have, within the city, code city or town civil service system, all the rights, benefits, and privileges to which he or she would have been entitled as a member of the annexed city, code city or town fire department from the beginning of his or her employment with the former city or code city fire department: *Provided*, That for purposes of layoffs by the annexing city or code city, only the time of service accrued with the annexing city or code city shall apply unless an agreement is reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies. A record of the employee's service with the former city or code city fire department shall be transmitted to the applicable civil service commission which shall be credited to such employee as a part of the period of employment in the annexed city, code city or town fire department. All accrued benefits are transferable provided that the recipient agency provides comparable benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.

(2) As many of the transferring employees shall be placed upon the payroll of the annexing city, code city or town fire department as the department determines are needed to provide services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided in this section and RCW 35.10.360 and 35.10.370 shall head the list for employment in the civil service system in order of their seniority, to the end that they shall be the first to be re-employed in the city, code city or town fire department when appropriate positions become available: *Provided*, That employees who are not immediately hired by the city, code city or town shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies. [1986 c 254 § 5.]

**35.10.370 Annexation—Transfer of fire department employees—Notice—Time limitation.** If, as a result of annexation of two or more cities, or code cities any employee is laid off who is eligible to transfer to the city, code city or town fire department under this section and RCW 35.10.360 and 35.10.365 the fire department shall notify the employee of the right to transfer and the employee shall have ninety days to transfer employment to the annexing city or code city fire department. [1986 c 254 § 6.]

**35.10.510 Consolidation—Transfer of fire department employees.** (Effective July 1, 1987.) Upon the consolidation of two or more cities or code cities, any employee of the fire department of the former city or cities who (1) was at the time of consolidation employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the fire department of the consolidated city or code city, as the case may be, (2) will, as a direct consequence of consolidation, be separated from the employ of the former city, code city or town, and (3) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer employment to the fire department of the consolidated city, as provided in this section and RCW 35.10.520 and 35.10.530.

For purposes of this section and RCW 35.10.520 and 35.10.530, employee means an individual whose employment has been terminated because of a consolidation of two or more cities, code cities or towns. [1986 c 254 § 1.]

**Effective date—Legislative study—1986 c 254 §§ 1-3:** "Sections 1 through 3 of this act shall take effect July 1, 1987. The appropriate committees of the senate and house of representatives shall conduct a study of the transfer rights of employees during the consolidation of cities and code cities and make recommendations to the legislature at the start of the 1987 legislative session." [1986 c 254 § 16.]

**35.10.520 Consolidation—Transfer of fire department employees—Rights and benefits.** (Effective July 1, 1987.) (1) An eligible employee may transfer into the civil service system of the consolidated city or code city by filing a written request with the civil service commission of the consolidated city. Upon receipt of such request by the civil service commission the transfer of employment shall be made. The employee so transferring will (a) be on probation for the same period as are new employees in the position filled, (b) be eligible for promotion after completion of the probationary period as completed, (c) receive a salary at least equal to that of other new employees in the position filled, and (d) in all other matters, such as retirement, sick leave, and vacation, have, within the city or code city civil service system, all the rights, benefits, and privileges to which he or she would have been entitled as a member of the consolidated city fire department from the beginning of his or her employment with the former city or code city fire department: *Provided*, That for purposes of layoffs by the consolidated city or code city, only the time of service accrued with the consolidated city or code city shall apply unless an agreement is reached between the collective bargaining representatives of the employees of

the consolidating fire agencies and consolidated agencies and the consolidating and consolidated fire agencies. A record of the employee's service with the former city or code city fire department shall be transmitted to the applicable civil service commission and shall be credited to such employee as a part of the period of employment in the consolidated city fire department. All accrued benefits are transferable provided that the recipient agency provides comparable benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.

(2) As many of the transferring employees shall be placed upon the payroll of the consolidated city or code city fire department as the department determines are needed to provide services. These needed employees shall be taken in order of greatest seniority from any of the seniority lists of the consolidating city or code city and the remaining employees who transfer as provided in this section and RCW 35.10.510 and 35.10.530 shall head the list for employment in the civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the fire department when appropriate positions become available: *Provided*, That employees who are not immediately hired by the city, code city or town shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the consolidating fire agencies and consolidated fire agency and the consolidating and consolidated fire agencies.

(3) The consolidated city or code city shall retain the right to select the fire chief and assistant fire chiefs regardless of seniority. [1986 c 254 § 2.]

**Effective date—Legislative study—1986 c 254 §§ 1-3:** See note following RCW 35.10.510.

**35.10.530 Consolidation—Transfer of fire department employees—Notice—Time limitation.** (Effective July 1, 1987.) If, as a result of consolidation of two or more cities, or code cities, any employee is laid off who is eligible to transfer to the city fire department pursuant to this section and RCW 35.10.510 and 35.10.520, the city fire department shall notify the employee of the right to so transfer and the employee shall have ninety days to transfer employment to the consolidating city, or code city fire department. [1986 c 254 § 3.]

**Effective date—Legislative study—1986 c 254 §§ 1-3:** See note following RCW 35.10.510.

## Chapter 35.13

### ANNEXATION OF UNINCORPORATED AREAS

#### Sections

35.13.215	Annexation of fire districts—Transfer of employees.
35.13.225	Annexation of fire districts—Transfer of employees—Rights and benefits.
35.13.235	Annexation of fire districts—Transfer of employees—Notice—Time limitation.
35.13.247	Recodified as RCW 35.02.190.

35.13.248 Recodified as RCW 35.02.200.

**35.13.215 Annexation of fire districts—Transfer of employees.** If any portion of a fire protection district is annexed to or incorporated into a city, code city or town, any employee of the fire protection district who (1) was at the time of such annexation or incorporation employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the city, code city or town fire department (2) will, as a direct consequence of annexation or incorporation, be separated from the employ of the fire protection district, and (3) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer employment to the civil service system of the city, code city or town fire department as provided for in this section and RCW 35.13.225 and 35.13.235.

For purposes of this section and RCW 35.13.225 and 35.13.235, employee means an individual whose employment with a fire protection district has been terminated because the fire protection district was annexed by a city, code city or town for purposes of fire protection. [1986 c 254 § 7.]

**35.13.225 Annexation of fire districts—Transfer of employees—Rights and benefits.** (1) An eligible employee may transfer into the civil service system of the city, code city or town fire department by filing a written request with the city, code city or town civil service commission and by giving written notice thereof to the board of commissioners of the fire protection district. Upon receipt of such request by the civil service commission the transfer of employment shall be made. The employee so transferring will (a) be on probation for the same period as are new employees of the city, code city or town fire department in the position filled, (b) be eligible for promotion after completion of the probationary period as completed, (c) receive a salary at least equal to that of other new employees of the city, code city or town fire department in the position filled, and (d) in all other matters, such as retirement, sick leave, and vacation, have, within the city, code city or town civil service system, all the rights, benefits, and privileges to which he or she would have been entitled as a member of the city, code city or town fire department from the beginning of employment with the fire protection district: *Provided*, That for purposes of layoffs by the annexing fire agency, only the time of service accrued with the annexing agency shall apply unless an agreement is reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies. The board of commissioners of the fire protection district shall, upon receipt of such notice, transmit to any applicable civil service commission a record of the employee's service with the fire protection district which shall be credited to such employee as a part of the period of employment in the city, code city or town fire department. All accrued benefits are transferable provided that the recipient agency provides comparable

benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.

(2) As many of the transferring employees shall be placed upon the payroll of the city, code city or town fire department as the department determines are needed to provide services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided in this section and RCW 35.13.215 and 35.13.235 shall head the list for employment in the civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the city, code city or town fire department when appropriate positions become available: *Provided*, That employees who are not immediately hired by the city, code city or town shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies. [1986 c 254 § 8.]

**35.13.235 Annexation of fire districts—Transfer of employees—Notice—Time limitation.** If any portion of a fire protection district is annexed to or incorporated into a city, code city or town, and as a result any employee is laid off who is eligible to transfer to the city, code city or town fire department under this section and RCW 35.13.215 and 35.13.225 the fire protection district shall notify the employee of the right to transfer and the employee shall have ninety days to transfer employment to the city, code city or town fire department. [1986 c 254 § 9.]

**35.13.247 Recodified as RCW 35.02.190.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**35.13.248 Recodified as RCW 35.02.200.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**Chapter 35.21**

**MISCELLANEOUS PROVISIONS AFFECTING ALL CITIES AND TOWNS**

Sections	
35.21.120	Garbage—Collection and disposal system—Contracts for solid waste handling.
35.21.300	Utility services—Enforcement of lien—Limitations on termination of electricity for residential heating.
35.21.301	Report to legislature—Expiration of section—1986 c 245.
35.21.685	Low-income housing—Loans and grants.
35.21.714	License fees or taxes on telephone business—Imposition on certain gross revenues authorized—Limitations.
35.21.715	Taxes on network telephone services.
35.21.763	Recodified as RCW 35.02.220.
35.21.764	Recodified as RCW 35.02.225.
35.21.871	Tax on telephone business—Deferral of rate reduction.

**35.21.120 Garbage—Collection and disposal system—Contracts for solid waste handling.** Every city or town may by ordinance provide for the establishment of a system of garbage collection and disposal for the entire city or town or for portions thereof, and award contracts for garbage collection and disposal or provide for it under the direction of officials and employees of the city or town. Contracts for solid waste handling may provide that a city or town pay a minimum periodic fee in consideration of the operational availability of a solid waste handling system or plant, without regard to the ownership of the system or plant or the amount of solid waste actually handled during all or any part of the contract period. There shall be included in the contract specific allocation of financial responsibility in cases where the amount of solid waste handled during the contract period falls below the minimum level provided in the contract. [1986 c 282 § 18; 1965 c 7 § 35.21.120. Prior: 1943 c 270 § 1, part; Rem. Supp. 1943 § 9504-1, part.]

**Severability—Legislative findings—Construction—Liberal construction—Supplemental powers—1986 c 282:** See notes following RCW 35.92.024.

*Contracts with private vendors for solid waste handling:* RCW 35.92.024.

**35.21.300 Utility services—Enforcement of lien—Limitations on termination of electricity for residential heating.** (1) The lien for charges for service by a city waterworks, or electric light or power plant may be enforced only by cutting off the service until the delinquent and unpaid charges are paid, except that until June 30, 1990, electricity for residential space heating may be terminated between November 15 and March 15 only as provided in subsections (2) and (3) of this section. In the event of a disputed account and tender by the owner of the premises of the amount he claims to be due before the service is cut off, the right to refuse service to any premises shall not accrue until suit has been entered by the city and judgment entered in the case.

(2) Until June 30, 1990:

(a) Electricity for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill, including a security deposit. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(ii) Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information in the self-certification;

(iii) Has applied for home heating assistance from applicable government and private sector organizations



and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(ii) Assist the customer in fulfilling the requirements under this section;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area; and

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected.

(3) All municipal utilities shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(4) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter. [1986 c 245 § 1; 1985

c 6 § 3; 1984 c 251 § 1; 1965 c 7 § 35.21.300. Prior: 1909 c 161 § 2; RRS § 9472.]

**35.21.301 Report to legislature—Expiration of section—1986 c 245.** Until 1990, cities and towns distributing electricity shall report annually to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter 245, Laws of 1986 benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, 1990. [1986 c 245 § 2; 1984 c 251 § 5.]

**Reviser's note:** Chapter 245, Laws of 1986 consists of the amendments to RCW 35.21.300, 35.21.301, 54.16.285, 54.16.286, 80.28.010, and 80.28.011 and the repeal of RCW 54.16.290.

**35.21.685 Low-income housing—Loans and grants.** A city or town may assist in the development or preservation of publicly or privately owned housing for persons of low income by providing loans or grants of general municipal funds to the owners or developers of the housing. The loans or grants shall be authorized by the legislative authority of the city or town. They may be made to finance all or a portion of the cost of construction, reconstruction, acquisition, or rehabilitation of housing that will be occupied by a person or family of low income. As used in this section, "low income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the city or town is located. Housing constructed with loans or grants made under this section shall not be considered public works or improvements subject to competitive bidding or a purchase of services subject to the prohibition against advance payment for services: *Provided*, That whenever feasible the borrower or grantee shall make every reasonable and practicable effort to utilize a competitive public bidding process. [1986 c 248 § 1.]

**35.21.714 License fees or taxes on telephone business—Imposition on certain gross revenues authorized—Limitations.** Any city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in RCW 82.04.065, which is measured by gross receipts or gross income may impose the fee or tax, if it desires, on one hundred percent of the total gross revenue derived from intrastate toll telephone services subject to the fee or tax: *Provided*, That the city shall not impose the fee or tax on that portion of network telephone service, as defined in RCW 82.04.065, which represents charges to another telecommunications company, as defined in RCW 80.04.010, for connecting fees, switching charges, or carrier access charges relating to intrastate toll telephone services, or for access to, or charges for, interstate services. [1986 c 70 § 1; 1983 2nd ex.s. c 3 § 37; 1981 c 144 § 10.]

**Effective date—1986 c 70 §§ 1, 2, 4, 5:** "Sections 1, 2, 4, and 5 of this act shall take effect on January 1, 1987." [1986 c 70 § 8.]

**Construction—Severability—Effective dates—1983 2nd ex.s. c 3:** See notes following RCW 82.04.255.

**Intent—Severability—Effective date—1981 c 144:** See notes following RCW 82.16.010.

**35.21.715 Taxes on network telephone services.** Notwithstanding RCW 35.21.714 or 35A.82.060, any city or town which imposes a tax upon business activities measured by gross receipts or gross income from sales, may impose such tax on that portion of network telephone service, as defined in RCW 82.04.065, which represents charges to another telecommunications company, as defined in RCW 80.04.010, for connecting fees, switching charges, or carrier access charges relating to intrastate toll services. Such tax shall be levied at the same rate as is applicable to other competitive telephone service as defined in RCW 82.04.065. [1986 c 70 § 2.]

**Effective date—**1986 c 70 §§ 1, 2, 4, 5: See note following RCW 35.21.714.

**35.21.763 Recodified as RCW 35.02.220.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**35.21.764 Recodified as RCW 35.02.225.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**35.21.871 Tax on telephone business—Deferral of rate reduction.** A city or town required by RCW 35.21.870(2) to reduce its rate of taxation on telephone business may defer for one year the required reduction in rates for the year 1987. If the delay in rate reductions authorized by the preceding sentence is inadequate for a city or town to offset the impact of revenue reductions arising from the removal of revenues from connecting fees, switching charges, or carrier access charges under the provisions of RCW 35.21.714, then the legislative body of such city or town may reimpose for 1987 the rates that such city or town had in effect upon telephone business during 1985. In each succeeding year, the city or town shall reduce the rate by one-tenth of the difference between the tax rate on April 20, 1982, and six percent. [1986 c 70 § 3.]

## Chapter 35.22 FIRST CLASS CITIES

### Sections

35.22.280 Specific powers enumerated.

**35.22.280 Specific powers enumerated.** Any city of the first class shall have power:

(1) To provide for general and special elections, for questions to be voted upon, and for the election of officers;

(2) To provide for levying and collecting taxes on real and personal property for its corporate uses and purposes, and to provide for the payment of the debts and expenses of the corporation;

(3) To control the finances and property of the corporation, and to acquire, by purchase or otherwise, such lands and other property as may be necessary for any part of the corporate uses provided for by its charter,

and to dispose of any such property as the interests of the corporation may, from time to time, require;

(4) To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as shall be prescribed in its charter; but no city shall, in any manner or for any purpose, become indebted to an amount in the aggregate to exceed the limitation of indebtedness prescribed by chapter 39.36 RCW as now or hereafter amended;

(5) To issue bonds in place of or to supply means to meet maturing bonds or other indebtedness, or for the consolidation or funding of the same;

(6) To purchase or appropriate private property within or without its corporate limits, for its corporate uses, upon making just compensation to the owners thereof, and to institute and maintain such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use;

(7) To lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and other public grounds, and to regulate and control the use thereof, and to vacate the same, and to authorize or prohibit the use of electricity at, in, or upon any of said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof;

(8) To change the grade of any street, highway, or alley within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway, or alley at any point opposite to the point where such change shall be made with reference to the grade of such street, highway, or alley as the same existed prior to such change;

(9) To authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley, or public place in such city, and to prescribe the terms and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change of grade, or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars, and locomotives within the corporate limits of said city; and to provide by ordinance for the protection of all persons and property against injury in the use of such railroads or street railroads;

(10) To provide for making local improvements, and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof;

(11) To acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same. When the language of any instrument by which any property is so acquired limits the use of said property to park purposes and contains a reservation of interest in favor of the grantor or any other person, and where it is found that the property so acquired is not needed for park purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, the city may, with

the consent of the grantor or such other person, his heirs, successors, or assigns, exchange such property for other property to be dedicated for park purposes, and may make, execute, and deliver proper conveyances to effect the exchange. In any case where, owing to death or lapse of time, there is neither donor, heir, successor, or assignee to give consent, this consent may be executed by the city and filed for record with an affidavit setting forth all efforts made to locate people entitled to give such consent together with the facts which establish that no consent by such persons is attainable. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes, but the right of the public shall be transferred and preserved with like force and effect to the property received by the city in such exchange;

(12) To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof;

(13) To determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining contiguous, or proximate property, or others specially benefited thereby; and to provide for the manner of making and collecting assessments therefor;

(14) To provide for erecting, purchasing, or otherwise acquiring waterworks, within or without the corporate limits of said city, to supply said city and its inhabitants with water, or authorize the construction of same by others when deemed for the best interests of such city and its inhabitants, and to regulate and control the use and price of the water so supplied;

(15) To provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect, or otherwise acquire, and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof;

(16) To establish and regulate markets, and to provide for the weighing, measuring, and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all vendors in such city, and to provide for the inspection thereof;

(17) To erect and establish hospitals and pesthouses, and to control and regulate the same;

(18) To provide for establishing and maintaining reform schools for juvenile offenders;

(19) To provide for the establishment and maintenance of public libraries, and to appropriate, annually, such percent of all moneys collected for fines, penalties, and licenses as shall be prescribed by its charter, for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public;

(20) To regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond

the limits of the corporation, and to prohibit their establishment within two miles of the boundaries thereof;

(21) To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of such corporation, or within the distance of two miles beyond the boundaries thereof;

(22) To provide for the prevention and extinguishment of fires and to regulate or prohibit the transportation, keeping, or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fireworks;

(23) To establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures within its corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in safe condition;

(24) To regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained;

(25) To deepen, widen, dock, cover, wall, alter, or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, slips, public landing places, wharves, docks, and levees, and to control and regulate the use thereof;

(26) To control, regulate, or prohibit the anchorage, moorage, and landing of all watercrafts and their cargoes within the jurisdiction of the corporation;

(27) To fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States;

(28) To license, regulate, control, or restrain wharf boats, tugs, and other boats used about the harbor or within such jurisdiction;

(29) To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleaning and purification of watercourses and canals, for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish, the defilement or pollution of all streams running through or into its corporate limits, and for the distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said city is taken, for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all

persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose;

(30) To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist;

(31) To regulate the selling or giving away of intoxicating, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state: *Provided*, That no license shall be granted to any person or persons who shall not first comply with the general laws of the state in force at the time the same is granted;

(32) To grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same: *Provided*, That no license shall be granted to continue for longer than one year from the date thereof;

(33) To regulate the carrying on within its corporate limits of all occupations which are of such a nature as to affect the public health or the good order of said city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them;

(34) To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

(35) To provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city. The punishment shall not exceed a fine of five thousand dollars or imprisonment in the city jail for one year, or both such fine and imprisonment. Such cities alternatively may provide that violations of ordinances constitute a civil violation subject to monetary penalties;

(36) To project or extend its streets over and across any tidelands within its corporate limits, and along or across the harbor areas of such city, in such manner as will best promote the interests of commerce;

(37) To provide in their respective charters for a method to propose and adopt amendments thereto. [1986 c 278 § 3; 1984 c 258 § 802; 1977 ex.s. c 316 § 20; 1971 ex.s. c 16 § 1; 1965 ex.s. c 116 § 2; 1965 c 7 § 35.22.280. Prior: 1890 p 218 § 5; RRS § 8966.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**Court Improvement Act of 1984**—**Effective dates**—**Severability**—**Short title**—1984 c 258: See notes following RCW 3.30.010.

**Severability**—1977 ex.s. c 316: See note following RCW 70.48.010.

## Chapter 35.23 SECOND CLASS CITIES

### Sections

35.23.190 Oath and bond of officers.

35.23.351 Application of RCW 35.23.352 to certain service provider agreements under chapter 70.150 RCW.  
35.23.440 Specific powers enumerated.

**35.23.190 Oath and bond of officers.** Before entering upon his duties and within ten days after receiving notice of his election or appointment every officer of the city shall qualify by taking the oath of office and by filing such bond duly approved as may be required of him. The oath of office shall be filed with the county auditor. If no notice of election or appointment was received, the officer must qualify on or before the date fixed for the assumption by him of the duties of the office to which he was elected or appointed. The city council shall fix the amount of all official bonds and may designate what officers shall be required to give bonds in addition to those required to do so by statute.

The clerk, treasurer, city attorney, chief of police, police judge and street commissioner shall each execute an official bond in such penal sum as the city council by ordinance may determine, conditioned for the faithful performance of their duties, including in the same bond the duties of all offices of which he is the ex officio incumbent.

All official bonds shall be approved by the city council and when so approved shall be filed with the city clerk except the city clerk's which shall be filed with the mayor. No city officer shall be eligible as a surety upon any bond running to the city as obligee.

The city council may require a new or additional bond of any officer whenever it deems it expedient. [1986 c 167 § 17; 1965 c 7 § 35.23.190. Prior: (i) 1907 c 241 § 10, part; 1890 p 145 § 29; RRS § 9015, part. (ii) 1907 c 241 § 11; 1890 p 145 § 29; RRS § 9016.]

**Severability**—1986 c 167: See note following RCW 29.01.055.

**35.23.351 Application of RCW 35.23.352 to certain service provider agreements under chapter 70.150 RCW.** RCW 35.23.352 does not apply to agreements entered into under authority of chapter 70.150 RCW provided there is compliance with the procurement procedure under RCW 70.150.040. [1986 c 244 § 10.]

**Severability**—1986 c 244: See RCW 70.150.905.

**35.23.440 Specific powers enumerated.** The city council of each second class city shall have power and authority:

(1) **Ordinances:** To make and pass all ordinances, orders, and resolutions not repugnant to the Constitution of the United States or the state of Washington, or the provisions of this title, necessary for the municipal government and management of the affairs of the city, for the execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this title.

(2) **License of shows:** To fix and collect a license tax, for the purposes of revenue and regulation, on theatres, melodeons, balls, concerts, dances, theatrical, circus, or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the

participators; also all shows, billiard tables, pool tables, bowling alleys, exhibitions, or amusements.

(3) Hotels, etc., licenses: To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage, and steamboat companies or owners, whose principal place of business is in such city, or who have an agency therein.

(4) Peddlers', etc., licenses: To license, for the purposes of revenue and regulation, tax, prohibit, suppress, and regulate all raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths, or sheds; and to regulate as authorized by state law all tipling houses, dram shops, saloons, bars, and barrooms.

(5) Dance houses: To prohibit or suppress, or to license and regulate all dance houses, fandango houses, or any exhibition or show of any animal or animals.

(6) License vehicles: To license for the purposes of revenue and regulation, and to tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage, and property.

(7) Hotel runners: To license or suppress runners for steamboats, taverns, or hotels.

(8) License generally: To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: *Provided*, That on any business, trade, or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.

(9) Riots: To prevent and restrain any riot or riotous assemblages, disturbance of the peace, or disorderly conduct in any place, house, or street in the city.

(10) Nuisances: To declare what shall be deemed nuisances; to prevent, remove, and abate nuisances at the expense of the parties creating, causing, or committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.

(11) Stock pound: To establish, maintain, and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.

(12) Control of certain trades: To control and regulate slaughterhouses, washhouses, laundries, tanneries, forges, and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.

(13) Street cleaning: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards, or public grounds of such city, or elsewhere therein.

(14) Gambling, etc.: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions, and shows.

(15) Markets: To establish and regulate markets and market places.

(16) Speed of railroad cars: To fix and regulate the speed at which any railroad cars, streetcars, automobiles, or other vehicles may run within the city limits, or any portion thereof.

(17) City commons: To provide for and regulate the commons of the city.

(18) Fast driving: To regulate or prohibit fast driving or riding in any portion of the city.

(19) Combustibles: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.

(20) Property: To have, purchase, hold, use, and enjoy property of every name or kind whatsoever, and to sell, lease, transfer, mortgage, convey, control, or improve the same; to build, erect, or construct houses, buildings, or structures of any kind needful for the use or purposes of such city.

(21) Fire department: To establish, continue, regulate, and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish, and maintain a paid fire department for such city.

(22) Water supply: To adopt, enter into, and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.

(23) Overflow of water: To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the property benefited.

(24) House numbers: To provide for the numbering of houses.

(25) Health board: To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.

(26) Harbors and wharves: To build, alter, improve, keep in repair, and control the waterfront; to erect, regulate, and repair wharves, and to fix the rate of wharfage and transit of wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing, and removing steamboats, sail vessels, rafts, barges, and all other watercraft; to fix the rate of speed at which steamboats and other steam watercraft may run along the waterfront of the city; to build bridges so as not to interfere with navigation; to

provide for the removal of obstructions to the navigation of any channel or watercourses or channels.

(27) License of steamers: To license steamers, boats, and vessels used in any watercourse in the city, and to fix and collect a license tax thereon.

(28) Ferry licenses: To license ferries and toll bridges under the law regulating the granting of such license.

(29) Penalty for violation of ordinances: To provide that violations of ordinances constitute a civil violation subject to monetary penalties or to determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, notwithstanding that the act constituting a violation of any such ordinance may also be punishable under the state laws, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties, and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five thousand dollars or imprisonment for one year, or both; and every violation of any lawful order, regulation, or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the state of Washington: *Provided*, That violation of an order, regulation, or ordinance relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, regulation, or ordinance equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

(30) Police department: To create and establish a city police; to prescribe their duties and their compensation; and to provide for the regulation and government of the same.

(31) Elections: To provide for conducting elections and establishing election precincts when necessary, to be as near as may be in conformity with the state law.

(32) Examine official accounts: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management, or disposition of moneys, property, or business of the city.

(33) Contracts: To make all appropriations, contracts, or agreements for the use or benefit of the city and in the city's name.

(34) Streets and sidewalks: To provide by ordinance for the opening, laying out, altering, extending, repairing, grading, paving, planking, graveling, macadamizing, or otherwise improving of public streets, avenues, and other public ways, or any portion of any thereof; and for the construction, regulation, and repair of sidewalks and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks, and squares, and to enforce the observance thereof.

(35) Waterways: To clear, cleanse, alter, straighten, widen, fill up, or close any waterway, drain, or sewer, or any watercourse in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the property specially benefited.

(36) Sewerage: To adopt, provide for, establish, and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the property benefited for the purpose aforesaid and to determine the manner, terms, and place of connection with main or central lines of pipes, sewers, or drains established, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and property, or either, for non-conformity to, or failure to comply with the provisions of such system and regulations or either.

(37) Buildings and parks: To provide for all public buildings, public parks, or squares, necessary or proper for the use of the city.

(38) Franchises: To permit the use of the streets for railroad or other public service purposes.

(39) Payment of judgments: To order paid any final judgment against such city, but none of its lands or property of any kind or nature, taxes, revenue, franchise, or rights, or interest, shall be attached, levied upon, or sold in or under any process whatsoever.

(40) Weighing of fuel: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office, and the fees he shall receive for his services: *Provided*, That such fees shall in all cases be paid by the parties requiring such service.

(41) Hospitals, etc.: To erect and establish hospitals and pesthouses and to control and regulate the same.

(42) Waterworks: To provide for the erection, purchase, or otherwise acquiring of waterworks within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.

(43) City lights: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric, or other light, and for the ownership, purchase or acquisition, construction, or maintenance of such works as may be necessary or convenient therefor: *Provided*, That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.

(44) Parks: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

(45) Bridges: To construct and keep in repair bridges, and to regulate the use thereof.

(46) Power of eminent domain: In the name of and for the use and benefit of the city, to exercise the right of eminent domain, and to condemn lands and property for the purposes of streets, alleys, parks, public grounds, waterworks, or for any other municipal purpose and to

acquire by purchase or otherwise such lands and property as may be deemed necessary for any of the corporate uses provided for by this title, as the interests of the city may from time to time require.

(47) To provide for the assessment of taxes: To provide for the assessment, levying, and collecting of taxes on real and personal property for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

(48) Local improvements: To provide for making local improvements, and to levy and collect special assessments on the property benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous, or proximate property, and to provide for the manner of making and collecting assessments therefor.

(49) Cemeteries: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

(50) Fire limits: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained.

(51) Safety and sanitary measures: To require the owners of public halls, theaters, hotels, and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of watercourses and canals and for the draining and filling up of ponds on private property within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the property specially benefited, and to regulate and control and provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of the city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons afflicted with any contagious disease to some suitable place to be provided for that purpose.

(52) To regulate liquor traffic: To regulate the selling or giving away of intoxicating, spirituous, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state.

(53) To establish streets on tidelands: To project or extend or establish streets over and across any tidelands within the limits of such city.

(54) To provide for the general welfare. [1986 c 278 § 4. Prior: 1984 c 258 § 803; 1984 c 189 § 5; 1979 ex.s. c 136 § 28; 1977 ex.s. c 316 § 21; 1965 ex.s. c 116 § 7;

1965 c 7 § 35.23.440; prior: 1907 c 241 § 29; 1890 p 148 § 38; RRS § 9034.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**Court Improvement Act of 1984**—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

**Effective date**—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

**Severability**—1977 ex.s. c 316: See note following RCW 70.48.010.

## Chapter 35.24 THIRD CLASS CITIES

### Sections

35.24.080 Oath and bond of officers.  
35.24.290 Specific powers enumerated.

**35.24.080 Oath and bond of officers.** In a city of the third class, the treasurer, city attorney, clerk, police judge, chief of police, and such other officers as the council may require shall each, before entering upon the duties of his office, take an oath of office and execute and file with the clerk an official bond in such penal sum as the council shall determine, conditioned for the faithful performance of his duties and otherwise conditioned as may be provided by ordinance. The oath of office shall be filed with the county auditor. [1986 c 167 § 18; 1965 c 7 § 35.24.080. Prior: 1915 c 184 § 5; 1893 c 70 § 1; 1890 p 179 § 107; RRS § 9118.]

**Severability**—1986 c 167: See note following RCW 29.01.055.

**35.24.290 Specific powers enumerated.** The city council of each third class city shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state or of the United States;

(2) To prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof and to cause the impounding and sale of any such animals;

(3) To establish, build and repair bridges, to establish, lay out, alter, keep open, open, widen, vacate, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish and reestablish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part; to construct gutters, culverts, sidewalks and crosswalks therein or upon any part thereof; to cultivate and maintain parking strips therein, and generally to manage and control all such highways and places; to provide by local assessment for the leveling up and surfacing and oiling or otherwise treating for the laying of dust, all streets within the city limits;

(4) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets and alleys or within two hundred feet thereof along which sewers shall have been constructed to make proper connections therewith and to use the same for proper purposes, and in case the owners of the

property on such streets and alleys or within two hundred feet thereof fail to make such connections within the time fixed by such council, it may cause such connections to be made and assess against the property served thereby the costs and expenses thereof;

(5) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(6) To impose and collect an annual license on every dog within the limits of the city, to prohibit dogs running at large and to provide for the killing of all dogs not duly licensed found at large;

(7) To license, for the purposes of regulation and revenue, all and every kind of business authorized by law, and transacted and carried on in such city, and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise;

(8) To improve rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channel thereof, and remove obstructions therefrom; to improve the water-front of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the filling of the water of any bay, except such filling over tide or shorelands as may be provided for by order of the city council; to purify and prevent the pollution of streams of water, lakes or other sources of supply, and for this purpose shall have jurisdiction over all streams, lakes or other sources of supply, both within and without the city limits. Such city shall have power to provide by ordinance and to enforce such punishment or penalty as the city council may deem proper for the offense of polluting or in any manner obstructing or interfering with the water supply of such city or source thereof;

(9) To erect and maintain buildings for municipal purposes;

(10) To permit, under such restrictions as it may deem proper, and to grant franchises for, the laying of railroad tracks, and the running of cars propelled by electric, steam or other power thereon, and the laying of gas and water pipes and steam mains and conduits for underground wires, and to permit the construction of tunnels or subways in the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein;

(11) In its discretion to divide the city by ordinance, into a convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: *Provided*, That no change in the boundaries of any ward shall be made within sixty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmen so designated shall be elected by the qualified electors resident in such

ward, or by general vote of the whole city as may be designated in such ordinance. When additional territory is added to the city it may by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilman from the ward for which he was elected shall create a vacancy in such office;

(12) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed five thousand dollars nor the term of such imprisonment exceed the term of one year; or to provide that violations of ordinances constitute a civil violation subject to monetary penalty;

(13) To establish fire limits, with proper regulations;

(14) To establish and maintain a free public library;

(15) To establish and regulate public markets and market places;

(16) To punish the keepers and inmates and lessors of houses of ill fame, gamblers and keepers of gambling tables, patrons thereof or those found loitering about such houses and places;

(17) To make all such ordinances, bylaws, rules, regulations and resolutions, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the corporation and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws;

(18) To license steamers, boats and vessels used in any bay or other watercourse in the city and to fix and collect such license; to provide for the regulation of berths, landings, and stations, and for the removing of steamboats, sail boats, sail vessels, rafts, barges and other watercraft; to provide for the removal of obstructions to navigation and of structures dangerous to navigation or to other property, in or adjoining the waterfront, except in municipalities in counties in which there is a city of the first class. [1986 c 278 § 5; 1984 c 258 § 804; 1977 ex.s. c 316 § 23; 1965 ex.s. c 116 § 10; 1965 c 7 § 35.24.290. Prior: 1915 c 184 § 14; 1893 c 70 § 3; 1891 c 56 § 3; 1890 p 183 § 17; RRS § 9127.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258:** See notes following RCW 3.30.010.

**Severability—1977 ex.s. c 316:** See note following RCW 70.48.010.

## Chapter 35.27 TOWNS

### Sections

35.27.120

Oath and bond of officers.

35.27.370

Specific powers enumerated.



**35.27.120 Oath and bond of officers.** Every officer of a town before entering upon the duties of his office shall take and file with the county auditor his oath of office. The clerk, treasurer, and marshal before entering upon their respective duties shall also each execute a bond approved by the council in such penal sum as the council by ordinance may determine, conditioned for the faithful performance of his duties including in the same bond the duties of all offices of which he is made ex officio incumbent.

All bonds, when approved, shall be filed with the town clerk, except the bonds of the clerk which shall be filed with the mayor. [1986 c 167 § 19; 1965 c 7 § 35.27.120. Prior: 1890 p 199 § 145; RRS § 9166.]

**Severability**—1986 c 167: See note following RCW 29.01.055.

**35.27.370 Specific powers enumerated.** The council of said town shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state, or of the United States;

(2) To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the town; to acquire, own, and hold real estate for cemetery purposes either within or without the corporate limits, to sell and dispose of such real estate, to plat or replat such real estate into cemetery lots and to sell and dispose of any and all lots therein, and to operate, improve and maintain the same as a cemetery;

(3) To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for use of such town or its inhabitants, or for irrigating purposes therein;

(4) To establish, build and repair bridges, to establish, lay out, alter, widen, extend, keep open, improve, and repair streets, sidewalks, alleys, squares and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on any part thereof; to cause to be planted, set out and cultivated trees therein, and generally to manage and control all such highways and places;

(5) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers are constructed to make proper connections therewith, and to use the same for proper purposes when such property is improved by the erection thereon of a building or buildings; and in case the owners of such improved property on such streets shall fail to make such connections within the time fixed by such council, they may cause such connections to be made, and to assess against the property in front of which such connections are made the costs and expenses thereof;

(6) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(7) To impose and collect an annual license on every dog within the limits of the town, to prohibit dogs running at large, and to provide for the killing of all dogs found at large and not duly licensed;

(8) To levy and collect annually a property tax, for the payment of current expenses and for the payment of indebtedness (if any indebtedness exists) within the limits authorized by law;

(9) To license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town; and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain, or prohibit the running at large of any and all domestic animals within the city limits, or any part or parts thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock;

(10) To improve the rivers and streams flowing through such town or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to prevent the pollution of streams or water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the waterfront of the town, and to construct and maintain embankments and other works to protect such town from overflow;

(11) To erect and maintain buildings for municipal purposes;

(12) To grant franchises or permits to use and occupy the surface, the overhead and the underground of streets, alleys and other public ways, under such terms and conditions as it shall deem fit, for any and all purposes, including but not being limited to the construction, maintenance and operation of railroads, street railways, transportation systems, water, gas and steam systems, telephone and telegraph systems, electric lines, signal systems, surface, aerial and underground tramways;

(13) To punish the keepers and inmates and lessors of houses of ill fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables;

(14) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed five thousand dollars, nor the term of imprisonment exceed one year; or to provide that violations of ordinances constitute a civil violation subject to a monetary penalty;

(15) To operate ambulance service which may serve the town and surrounding rural areas and, in the discretion of the council, to make a charge for such service;

(16) To make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufacturers, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter. [1986 c 278 § 6; 1984 c 258 § 805; 1977 ex.s. c 316 § 25; 1965 ex.s. c 116 § 15; 1965 c 127 § 1; 1965 c 7 § 35.27.370. Prior: 1955 c 378 § 4; 1949 c 151 § 1; 1945 c 214 § 1; 1941 c 74 § 1; 1927 c 207 § 1; 1925 ex.s. c 159 § 1; 1895 c 32 § 1; 1890 p 201 § 154; Rem. Supp. 1949 § 9175.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258:** See notes following RCW 3.30.010.

**Severability—1977 ex.s. c 316:** See note following RCW 70.48.010.

**Validating—1925 ex.s. c 159:** "All franchises, permits and rights of way heretofore granted by any municipality of the fourth class to any person, firm or corporation, to construct, maintain or operate surface, underground and aerial tramways and other means of conveyance over, above, across, upon and along its streets, highways and alleys are hereby validated, ratified and confirmed." [1925 ex.s. c 159 § 2.]

### Chapter 35.44

#### LOCAL IMPROVEMENTS—ASSESSMENTS AND REASSESSMENTS

##### Sections

35.44.090 Assessment roll—Notice—Mailing—Publication.

**35.44.090 Assessment roll—Notice—Mailing—Publication.** At least fifteen days before the date fixed for hearing, notice thereof shall be mailed to the owner or reputed owner of the property whose name appears on the assessment roll, at the address shown on the tax rolls of the county treasurer for each item of property described on the list. In addition thereto the notice shall be published at least once a week for two consecutive weeks in the official newspaper of the city or town, the last publication to be at least fifteen days before the date fixed for hearing. [1986 c 278 § 48; 1985 c 469 § 30; 1965 c 7 § 35.44.090. Prior: 1929 c 97 § 3, part; 1911 c 98 § 21, part; RRS § 9373, part.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

### Chapter 35.67

#### SEWERAGE SYSTEMS—REFUSE COLLECTION AND DISPOSAL

##### Sections

35.67.025 Public property subject to rates and charges for storm water control facilities.

**35.67.025 Public property subject to rates and charges for storm water control facilities.** Except as otherwise provided in RCW 90.03.525, any public entity

and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by cities and towns pursuant to RCW 35.67.020. In setting these rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property. [1986 c 278 § 55; 1983 c 315 § 1.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**Severability—1983 c 315:** See note following RCW 90.03.500.

**Flood control zone districts—Storm water control improvements: Chapter 86.15 RCW.**

**Rates and charges for storm water control facilities—Limitations—Definitions: RCW 90.03.500 through 90.03.525. See also RCW 35.92.021, 36.89.085, 36.94.145, and 56.08.012.**

### Chapter 35.72

#### CONTRACTS FOR STREET PROJECTS

##### Sections

35.72.050 Alternative financing method—Participation by county, city, or town—Eligibility for reimbursement.

**35.72.050 Alternative financing method—Participation by county, city, or town—Eligibility for reimbursement.** As an alternative to financing projects under this chapter solely by owners of real estate, a county, city, or town may join in the financing of improvement projects and may be reimbursed in the same manner as the owners of real estate who participate in the projects, if the county, city, or town has specified the conditions of its participation in an ordinance. A county, city, or town may be reimbursed only for the costs of improvements that benefit that portion of the public who will use the developments within the assessment reimbursement area established pursuant to RCW 35.72.040(1). No county, city, or town costs for improvements that benefit the general public may be reimbursed. [1986 c 252 § 1.]

### Chapter 35.92

#### MUNICIPAL UTILITIES

##### Sections

35.92.021 Public property subject to rates and charges for storm water control facilities.

35.92.024 Contracts with private vendors for solid waste handling systems and plants—Procedures.

**35.92.021 Public property subject to rates and charges for storm water control facilities.** Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by cities and towns pursuant to RCW 35.92.020. In setting these rates and charges, consideration may be made of in-kind services,

such as stream improvements or donation of property. [1986 c 278 § 56; 1983 c 315 § 2.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**Severability—1983 c 315:** See note following RCW 90.03.500.

**Flood control zone districts—Storm water control improvements:** Chapter 86.15 RCW.

**Rates and charges for storm water control facilities—Limitations—Definitions:** RCW 90.03.500 through 90.03.525. See also RCW 35.67.025, 36.89.085, 36.94.145, and 56.08.012.

**35.92.024 Contracts with private vendors for solid waste handling systems and plants—Procedures.** (1) Notwithstanding the charter of any city, the legislative authority of a city or town may contract with one or more private vendors for one or more of the design, construction, or operation function of systems and plants for solid waste handling, as defined in RCW 70.95.030 and in accordance with the procedures set forth in subsections (2) and (3) of this section. Contracts shall be for facilities that are in substantial compliance with the solid waste management plans prepared pursuant to chapter 70.95 RCW. Such systems and plants may be owned, leased, and/or operated in whole or in part by the city or town, or owned, leased, and/or operated in whole or in part by the private vendor.

(2) The legislative authority shall publish notice of its requirements and request submission of qualifications for the design, construction, and operation of solid waste handling systems and plants. The notice shall be published in the official newspaper of the city or town at least once a week for two weeks not less than sixty days before the final date for the submission of qualifications. The notice shall (a) state in summary form, the general scope and nature of the system and plant or work for which the services are required, (b) the name and address of a representative of the city or town who can provide further details, and (c) the final date for the submission of qualifications.

(3) If the legislative authority of the city or town decides to proceed with the construction of a resource recovery facility or one or more of the services to be provided for such a facility, it may designate a representative to evaluate the vendors who submitted qualifications and conduct discussions regarding proposals with one or more vendors. The representative of the legislative authority shall recommend to the legislative authority a vendor, based upon criteria established by the city or town, which shall not be determined solely by price but by all terms of the contract, who is initially determined to be the best qualified to provide one or more of the services required for the proposed project. If two or more vendors submit qualifications, at least two vendors shall be interviewed. One or more vendors may be selected to provide services. The legislative authority or its representative shall attempt to negotiate a contract with the first vendor selected for one or more of the construction, design, or operation portions of the proposed project at a price and on other terms that the legislative authority determines to be fair and reasonable and in the best interest of the city or town. Only the legislative authority may approve and sign the contract: *Provided*,

That where a contract for design is entered into separately from other services permitted under this section, procurement shall be in accord with chapter 39.80 RCW. If the legislative authority or its representative is unable to negotiate such a contract with the first vendor selected on terms that it determines to be fair and reasonable and in the best interest of the city or town, negotiations with that vendor shall be formally terminated and other vendors may be selected in accordance with the procedures set forth in subsections (2) and (3) of this section. If the legislative authority decides to continue the process of selection, negotiations shall continue in accordance with this section at the sole discretion of the legislative authority until an agreement is reached with one or more vendors, or the process is terminated by the legislative authority. The process may be repeated until an agreement is reached.

(4) Prior to entering into such a contract with a vendor, the legislative authority of the city or town must have made written findings, after holding a public hearing on the proposal, that it is in the public interest to enter into the contract and that the contract is financially sound and advantageous compared to other methods.

(5) Each contract shall include project performance bonds or other security by the vendor which in the judgment of the legislative authority of the city or town is sufficient to secure adequate performance by the vendor.

(6) The provisions of chapters 39.12, 39.19, and 39.25 RCW shall apply to a contract entered into under this section to the same extent as if the systems and plants were owned by a public body. [1986 c 282 § 17.]

**Legislative findings—Construction—1986 c 282 §§ 17–20:** "The legislature finds that the regulation, management, and disposal of solid waste through waste reduction, recycling, and the use of resource recovery facilities of the kind described in RCW 35.92.022 and 36.58-.040 should be conducted in a manner substantially consistent with the priorities and policies of the solid waste management act, chapter 70.95 RCW. Nothing contained in sections 17 through 20 of this act shall detract from the powers, duties, and functions given to the utilities and transportation commission in chapter 81.77 RCW." [1986 c 282 § 16.]

**Liberal construction—Supplemental powers—1986 c 282 §§ 16–20:** "Sections 16 through 20 of this act, being necessary for the health and welfare of the state and its inhabitants, shall be liberally construed to effect its purposes. Sections 16 through 20 of this act shall be deemed to provide an alternative method for the performance of those subjects authorized by these sections and shall be regarded as supplemental and additional to powers conferred by the Washington state Constitution, other state laws, and the charter of any city or county." [1986 c 282 § 21.]

**Severability—1986 c 282:** See RCW 82.18.900.

## Chapter 35.94

### SALE OR LEASE OF MUNICIPAL UTILITIES

#### Sections

35.94.050 Application of chapter to certain service provider agreements under chapter 70.150 RCW.

**35.94.050 Application of chapter to certain service provider agreements under chapter 70.150 RCW.** This chapter does not apply to dispositions of utility property in connection with an agreement entered into pursuant

to chapter 70.150 RCW provided there is compliance with the procurement procedure under RCW 70.150.040. [1986 c 244 § 11.]

Severability—1986 c 244: See RCW 70.150.905.

## Title 35A OPTIONAL MUNICIPAL CODE

### Chapters

- 35A.03 Incorporation as noncharter code city.
- 35A.04 Incorporation of intercounty area as a non-charter code city.
- 35A.11 Laws governing noncharter code cities and charter code cities—Powers.
- 35A.12 Mayor-council plan of government.
- 35A.14 Annexation by code cities.
- 35A.29 Municipal elections in code cities.
- 35A.82 Taxation—Excises.

### Chapter 35A.03

#### INCORPORATION AS NONCHARTER CODE CITY

##### Sections

- 35A.03.005 Incorporation to be governed by chapter 35.02 RCW.
- 35A.03.010 through 35A.03.152 Repealed.
- 35A.03.160 Recodified as RCW 35.02.210.
- 35A.03.170 Repealed.
- 35A.03.180 Repealed.

**35A.03.005 Incorporation to be governed by chapter 35.02 RCW.** Noncharter code cities shall be incorporated as provided in chapter 35.02 RCW. [1986 c 234 § 36.]

**35A.03.010 through 35A.03.152 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**35A.03.160 Recodified as RCW 35.02.210.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**35A.03.170 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**35A.03.180 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 35A.04

#### INCORPORATION OF INTERCOUNTY AREA AS A NONCHARTER CODE CITY

##### Sections

- 35A.04.010 through 35A.04.190 Repealed.

**35A.04.010 through 35A.04.190 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 35A.11

#### LAWS GOVERNING NONCHARTER CODE CITIES AND CHARTER CODE CITIES—POWERS

##### Sections

- 35A.11.020 Powers vested in legislative bodies of noncharter and charter code cities.

**35A.11.020 Powers vested in legislative bodies of noncharter and charter code cities.** The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people: *Provided*, That nothing in this section or in this title shall permit any city, whether a code city or otherwise, to enact any provisions establishing or respecting a merit system or system of civil service for firemen and policemen which does not substantially accomplish the same purpose as provided by general law in chapter 41.08 RCW for firemen and chapter 41.12 RCW for policemen now or as hereafter amended, or enact any provision establishing or respecting a pension or retirement system for firemen or policemen which provides different pensions or retirement benefits than are provided by general law for such classes. Such body may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city, and may impose penalties of fine not exceeding five thousand dollars or imprisonment for any term not exceeding one year, or both, for the violation of such ordinances, constituting a misdemeanor or gross misdemeanor as provided therein. Such a body alternatively may provide that violation of such ordinances constitutes a civil violation subject to monetary penalty. The legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, real property of all kinds, waterways, structures, or any other improvement or use of real or personal property, in regard to all aspects of collective bargaining as provided for and subject to the provisions of chapter 41.56 RCW, as now or hereafter amended, and in the rendering of local social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns. In addition and not in limitation, the legislative body of each code city shall have any authority ever given to any class of municipality or to all municipalities

of this state before or after the enactment of this title, such authority to be exercised in the manner provided, if any, by the granting statute, when not in conflict with this title. Within constitutional limitations, legislative bodies of code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state as provided in RCW 66.08.120, 82.36.440, 48.14.020, and 48.14.080. [1986 c 278 § 7; 1984 c 258 § 807; 1969 ex.s. c 29 § 1; 1967 ex.s. c 119 § 35A.11.020.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258:** See notes following RCW 3.30.010.

**Effective date—1969 ex.s. c 29:** "The effective date of this act is July 1, 1969." [1969 ex.s. c 29 § 2.]

## Chapter 35A.12

### MAYOR-COUNCIL PLAN OF GOVERNMENT

#### Sections

35A.12.080 Oath and bond of officers.

**35A.12.080 Oath and bond of officers.** Any officer before entering upon the performance of his duties may be required to take an oath or affirmation as prescribed by charter or by ordinance for the faithful performance of his duties. The oath or affirmation shall be filed with the county auditor. The clerk, treasurer, if any, chief of police, and such other officers or employees as may be designated by ordinance or by charter shall be required to furnish annually an official bond conditioned on the honest and faithful performance of their official duties. The terms and penalty of official bonds and the surety therefor shall be prescribed by ordinance or charter and the bond shall be approved by the chief administrative officer of the city. The premiums on such bonds shall be paid by the city. When the furnishing of an official bond is required of an officer or employee, compliance with such provisions shall be an essential part of qualification for office. [1986 c 167 § 20; 1967 ex.s. c 119 § 35A.12.080.]

**Severability—1986 c 167:** See note following RCW 29.01.055.

## Chapter 35A.14

### ANNEXATION BY CODE CITIES

#### Sections

35A.14.015 Election method—Resolution for election—Contents of resolution.  
35A.14.050 Decision of the county annexation review board—Filing—Date for election.  
35A.14.140 Direct petition method—Ordinance providing for annexation.

**35A.14.015 Election method—Resolution for election—Contents of resolution.** When the legislative body of a charter code city or noncharter code city shall determine that the best interests and general welfare of such city would be served by the annexation of unincorporated territory contiguous to such city, such legislative

body may, by resolution, call for an election to be held to submit to the voters of such territory the proposal for annexation. The resolution shall, subject to RCW 35.02.170, describe the boundaries of the area to be annexed, state the number of voters residing therein as nearly as may be, and shall provide that said city will pay the cost of the annexation election. The resolution may require that there also be submitted to the electorate of the territory sought to be annexed a proposition that all property within the area annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to pay for all or any portion of the then-outstanding indebtedness of the city to which said area is annexed, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the date of annexation. Whenever such city has prepared and filed a proposed zoning regulation for the area to be annexed as provided for in RCW 35A.14.330 and 35A.14.340, the resolution initiating the election may also provide for the simultaneous adoption of the proposed zoning regulation upon approval of annexation by the electorate of the area to be annexed. A certified copy of the resolution shall be filed with the legislative authority of the county in which said territory is located. A certified copy of the resolution shall be filed with the boundary review board as provided for in chapter 36.93 RCW or the county annexation review board established by RCW 35A.14.200, unless such annexation proposal is within the provisions of RCW 35A.14.220. [1986 c 234 § 29; 1979 ex.s. c 124 § 1; 1975 1st ex.s. c 220 § 14; 1971 ex.s. c 251 § 10; 1967 ex.s. c 119 § 35A.14.015.]

**Severability—1979 ex.s. c 124:** "If any provision of this 1979 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." [1979 ex.s. c 124 § 11.]

**Legislative finding, intent—1975 1st ex.s. c 220:** See note following RCW 35.02.170.

**Severability—1971 ex.s. c 251:** See RCW 35A.90.050.

**35A.14.050 Decision of the county annexation review board—Filing—Date for election.** After consideration of the proposed annexation as provided in RCW 35A.14.200, the county annexation review board, within thirty days after the final day of hearing, shall take one of the following actions:

(1) Approval of the proposal as submitted.

(2) Subject to RCW 35.02.170, modification of the proposal by adjusting boundaries to include or exclude territory; except that any such inclusion of territory shall not increase the total area of territory proposed for annexation by an amount exceeding the original proposal by more than five percent: *Provided*, That the county annexation review board shall not adjust boundaries to include territory not included in the original proposal without first affording to residents and property owners of the area affected by such adjustment of boundaries an opportunity to be heard as to the proposal.

(3) Disapproval of the proposal.

The written decision of the county annexation review board shall be filed with the board of county commissioners and with the legislative body of the city concerned. If the annexation proposal is modified by the county annexation review board, such modification shall be fully set forth in the written decision. If the decision of the boundary review board or the county annexation review board is favorable to the annexation proposal, or the proposal as modified by the review board, the board of county commissioners, at its next regular meeting if to be held within thirty days after receipt of the decision of the boundary review board or the county annexation review board, or at a special meeting to be held within that period, shall set a date for submission of such annexation proposal, with any modifications made by the review board, to the voters of the territory proposed to be annexed. The question shall be submitted at a general election if one is to be held within ninety days, or at a special election called for that purpose not less than forty-five days nor more than ninety days after the filing of the decision of the review board with the board of county commissioners. If the boundary review board or the county annexation review board disapproves the annexation proposal, no further action shall be taken thereon, and no proposal for annexation of the same territory, or substantially the same as determined by the board, shall be initiated or considered for twelve months thereafter. [1986 c 234 § 30; 1975 1st ex.s. c 220 § 15; 1971 ex.s. c 251 § 7; 1967 ex.s. c 119 § 35A.14.050.]

**Legislative finding, intent**—1975 1st ex.s. c 220: See note following RCW 35.02.170.

**Severability**—1971 ex.s. c 251: See RCW 35A.90.050.

**35A.14.140 Direct petition method—Ordinance providing for annexation.** Following the hearing, if the legislative body determines to effect the annexation, they shall do so by ordinance. Subject to RCW 35.02.170, the ordinance may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the annexation ordinance a certified copy shall be filed with the board of county commissioners of the county in which the annexed property is located. [1986 c 234 § 31; 1975 1st ex.s. c 220 § 16; 1967 ex.s. c 119 § 35A.14.140.]

**Legislative finding, intent**—1975 1st ex.s. c 220: See note following RCW 35.02.170.

## Chapter 35A.29

### MUNICIPAL ELECTIONS IN CODE CITIES

#### Sections

- 35A.29.090 Commencement of terms of officers elected.  
35A.29.110 Declaration of candidacy—Time for filing—Withdrawal—Nominating petitions.

**35A.29.090 Commencement of terms of officers elected.** Except as otherwise provided in RCW 35.02.130, 35.10.480, or 35A.08.110, the term of every code city officer elected to office in a general municipal election as provided in RCW 29.13.020 shall begin when

qualified and in accordance with RCW 29.04.170: *Provided*, That any person elected to less than a full term where the office sought is vacant or is held by an appointed incumbent shall assume office as soon as the election returns are certified and they are qualified in accordance with RCW 29.01.135, unless otherwise provided in this title: *Provided further*, That when not otherwise provided in this title, the term of officers elected at a special election shall begin on the first Monday following the certification of the election returns. [1986 c 234 § 32; 1985 c 281 § 27. Prior: 1979 ex.s. c 126 § 25; 1979 ex.s. c 18 § 29; 1967 ex.s. c 119 § 35A.29.090.]

**Severability**—1985 c 281: See RCW 35.10.905.

**Purpose**—1979 ex.s. c 126: See RCW 29.04.170(1).

**Severability**—1979 ex.s. c 18: See note following RCW 35A.01.070.

**35A.29.110 Declaration of candidacy—Time for filing—Withdrawal—Nominating petitions.** A candidate for office in a code city shall file a declaration of candidacy substantially in the form set forth in RCW 29.18.030 insofar as such form is applicable to nonpartisan offices. Declarations of candidacy for offices of code cities to be voted upon at any municipal general election shall be filed with the county auditor not earlier than the fourth Monday of July nor later than the next succeeding Friday in the year such general election is to be held. However, if the first election of all officers upon reorganization as a noncharter code city under a plan of government newly adopted in the manner provided in RCW 35A.02.020, 35A.02.030, 35A.02.080, or 35A.06.030 is an election as provided in RCW 35A.02.050, such declarations of candidacy shall be filed with the county auditor not more than fifty nor less than forty-six days prior to the primary election provided for in RCW 35A.02.050. Any candidate may withdraw his declaration at any time before the Friday following the last day allowed for filing declarations of candidacy. Nominating petitions for charter commissioners and for any other office for which nominating petitions may be required shall be filed with the county auditor not more than sixty nor less than forty-six days prior to the date of the election, and may be withdrawn at any time, but not later than five days after the last day allowed for filing such petitions. [1986 c 167 § 21; 1979 ex.s. c 18 § 30; 1970 ex.s. c 52 § 4; 1967 ex.s. c 119 § 35A.29.110.]

**Severability**—1986 c 167: See note following RCW 29.01.055.

**Severability**—1979 ex.s. c 18: See note following RCW 35A.01.070.

## Chapter 35A.82

### TAXATION—EXCISES

#### Sections

- 35A.82.060 License fees or taxes on telephone business—Imposition on certain gross revenues authorized—Limitations.  
35A.82.065 Taxes on network telephone services.  
35A.82.070 Taxes on telephone business—Deferral of rate reduction.

**35A.82.060 License fees or taxes on telephone business—Imposition on certain gross revenues authorized—Limitations.** Any code city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in RCW 82.04.065, which is measured by gross receipts or gross income may impose the fee or tax, if it desires, on one hundred percent of the total gross revenue derived from intrastate toll telephone services subject to the fee or tax: *Provided*, That the city shall not impose the fee or tax on that portion of network telephone service, as defined in RCW 82.04.065, which represents charges to another telecommunications company, as defined in RCW 80.04.010, for connecting fees, switching charges, or carrier access charges relating to intrastate toll telephone services, or for access to, or charges for, interstate services. [1986 c 70 § 4; 1983 2nd ex.s. c 3 § 38; 1981 c 144 § 11.]

**Effective date—1986 c 70 §§ 1, 2, 4, 5:** See note following RCW 35.21.714.

**Construction—Severability—Effective dates—1983 2nd ex.s. c 3:** See notes following RCW 82.04.255.

**Intent—Severability—Effective date—1981 c 144:** See notes following RCW 82.16.010.

**35A.82.065 Taxes on network telephone services.** Notwithstanding RCW 35.21.714 or 35A.82.060, any city or town which imposes a tax upon business activities measured by gross receipts or gross income from sales, may impose such tax on that portion of network telephone service, as defined in RCW 82.04.065, which represents charges to another telecommunications company, as defined in RCW 80.04.010, for connecting fees, switching charges, or carrier access charges relating to intrastate toll services. Such tax shall be levied at the same rate as is applicable to other competitive telephone service as defined in RCW 82.04.065. [1986 c 70 § 5.]

**Effective date—1986 c 70 §§ 1, 2, 4, 5:** See note following RCW 35.21.714.

**35A.82.070 Taxes on telephone business—Deferral of rate reduction.** A city or town required by RCW 35.21.870(2) to reduce its rate of taxation on telephone business may defer for one year the required reduction in rates for the year 1987. If the delay in rate reductions authorized by the preceding sentence is inadequate for a code city to offset the impact of revenue reductions arising from the removal of revenues from connecting fees, switching charges, or carrier access charges under the provisions of RCW 35A.82.060, then the legislative body of such code city may reimpose for 1987 the rates that such code city had in effect upon telephone business during 1985. In each succeeding year, the city or town shall reduce the rate by one-tenth of the difference between the tax rate on April 20, 1982, and six percent. [1986 c 70 § 6.]

## Title 36 COUNTIES

### Chapters

- 36.01** General provisions.
- 36.29** County treasurer.
- 36.32** County commissioners.
- 36.34** County property.
- 36.37** Agricultural fairs and poultry shows.
- 36.58** Solid waste disposal.
- 36.60** County rail districts.
- 36.89** Highways—Open spaces—Parks—Recreation, community, health and safety facilities—Storm water control.
- 36.93** Local governmental organization—Boundaries—Review boards.
- 36.94** Sewerage, water and drainage systems.

### Chapter 36.01 GENERAL PROVISIONS

#### Sections

- 36.01.010 Corporate powers.

**36.01.010 Corporate powers.** The several counties in this state shall have capacity as bodies corporate, to sue and be sued in the manner prescribed by law; to purchase and hold lands; to make such contracts, and to purchase and hold such personal property, as may be necessary to their corporate or administrative powers, and to do all other necessary acts in relation to all the property of the county. [1986 c 278 § 1; 1963 c 4 § 36-.01.010. Prior: Code 1881 § 2653; 1863 p 538 § 1; 1854 p 329 § 1; RRS § 3982.]

**Severability—1986 c 278:** "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." [1986 c 278 § 65.]

### Chapter 36.29 COUNTY TREASURER

#### Sections

- 36.29.022 Combining of moneys for investment.

**36.29.022 Combining of moneys for investment.** Upon the request of one or several units of local government that invest their money with the county under the provisions of RCW 36.29.020, the treasurer of that county may combine those units' moneys for the purposes of investment. [1986 c 294 § 11.]

### Chapter 36.32 COUNTY COMMISSIONERS

#### Sections

- 36.32.070 Vacancies on board.
- 36.32.120 Powers of legislative authority.

36.32.415 Low-income housing—Loans and grants.

**36.32.070 Vacancies on board.** Whenever there is a vacancy in the board of county commissioners, it shall be filled as follows:

(1) If there are three vacancies, the governor of the state shall appoint two of the officers. The two commissioners thus appointed shall then meet and select the third commissioner. The vacancies shall be filled in accordance with Article II, section 15 of the state Constitution and RCW 42.12.060.

(2) Whenever there are two vacancies in the office of county commissioner, the governor shall appoint one commissioner, and the two commissioners then in office shall appoint the third commissioner. The vacancies shall be filled in accordance with Article II, section 15 of the state Constitution and RCW 42.12.060.

(3) Whenever there is one vacancy in the office of county commissioner, the two remaining commissioners shall fill the vacancy in accordance with Article II, section 15 of the state Constitution and RCW 42.12.060. [1986 c 159 § 1; 1963 c 4 § 36.32.070. Prior: 1933 c 100 § 1; RRS § 4038-1.]

**Effective date—Contingency—1986 c 159:** See note following RCW 42.12.050.

**36.32.120 Powers of legislative authority.** The legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law: *Provided*, That the legislative authority of a county may permit all moneys, assessments, and taxes belonging to or collected for the use of any county, including any amounts representing estimates for future assessments and taxes, to be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited against any future tax or assessment that may be levied or become due from the taxpayer: *Provided further*, That the taxpayer, with the concurrence of the county legislative authority, may designate the particular fund against which such prepayment of future tax or assessment shall be credited;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: *Provided*, That except for Washington state statutes, there shall be filed in the county auditor's office one copy of such codes and compilations ten days prior to their adoption by reference, and additional copies may also be filed in library or city offices within the county as deemed necessary by the county legislative authority: *Provided further*, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor or a civil violation subject to a monetary penalty: *Provided further*, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. The notice must set out a copy of the proposed regulations; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as justices of the peace. [1986 c 278 § 2; 1985 c 91 § 1; 1982 c 226 § 3; 1979 ex.s. c 136 § 35; 1975 1st ex.s. c 216 § 1; 1967 ex.s. c 59 § 1; 1963 c 4 § 36.32.120. Prior: 1961 c 27 § 2; prior: (i) 1947 c 61 § 1; 1943 c 99 § 1; Code 1881 § 2673; 1869 p 305 §



11; 1867 p 54 § 11; 1863 p 542 § 11; 1854 p 421 § 11; Rem. Supp. 1947 § 4056. (ii) Code 1881 § 2681; 1869 p 307 § 20; 1867 p 56 § 20; 1863 p 543 § 20; 1854 p 422 § 20; RRS § 4061. (iii) Code 1881 § 2687; 1869 p 308 § 26; 1867 p 57 § 26; 1863 p 545 § 28; 1854 p 423 § 22; RRS § 4071.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**Effective date**—1982 c 226: See note following RCW 35.21.180.

**Effective date**—**Severability**—1979 ex.s. c 136: See notes following RCW 46.63.010.

**36.32.415 Low-income housing—Loans and grants.** A county may assist in the development or preservation of publicly or privately owned housing for persons of low income by providing loans or grants of general county funds to the owners or developers of the housing. The loans or grants shall be authorized by the legislative authority of a county. They may be made to finance all or a portion of the cost of construction, reconstruction, acquisition, or rehabilitation of housing that will be occupied by a person or family of low income. As used in this section, "low income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the county is located. Housing constructed with loans or grants made under this section shall not be considered public works or improvements subject to competitive bidding or a purchase of services subject to the prohibition against advance payment for services: *Provided*, That whenever feasible the borrower or grantee shall make every reasonable and practicable effort to utilize a competitive public bidding process. [1986 c 248 § 2.]

### Chapter 36.34

#### COUNTY PROPERTY

##### Sections

- 36.34.145 Leases of county property to nonprofit corporations for agricultural fairs.  
36.34.192 Application of RCW 36.34.150 through 36.34.190 to certain service provider agreements under chapter 70.150 RCW.

**36.34.145 Leases of county property to nonprofit corporations for agricultural fairs.** The legislative authority of any county owning property in or outside the limits of any city or town, or anywhere within the county, which is suitable for agricultural fair purposes may by negotiation lease such property for such purposes for a term not to exceed seventy-five years to any nonprofit organization that has demonstrated its qualification to conduct agricultural fairs. Such agricultural fair leases shall not be subject to any requirement of periodic rental adjustments, as provided in RCW 36.34-.180, but shall provide for such fixed annual rental as shall appear reasonable, considering the benefit to be derived by the county in the promotion of the fair and in the improvement of the property. The lessee may utilize or rent out such property at times other than during the

fair season for nonfair purposes in order to obtain income for fair purposes, and during the fair season may sublease portions of the property for purposes and activities associated with such fair. No sublease shall be valid unless the same shall be approved in writing by the county legislative authority: *Provided*, That failure of such lessee, except by act of God, war or other emergency beyond its control, to conduct an annual agricultural fair or exhibition, shall cause said lease to be subject to cancellation by the county legislative authority. A county legislative authority entering into an agreement with a nonprofit association to lease property for agricultural fair purposes shall, when requested to do so, file a copy of the lease agreement with the department of agriculture or the state fair commission in order to assure compliance with the provisions of RCW 15.76-.165. [1986 c 171 § 2; 1963 c 4 § 36.34.145. Prior: 1957 c 134 § 1.]

**36.34.192 Application of RCW 36.34.150 through 36.34.190 to certain service provider agreements under chapter 70.150 RCW.** RCW 36.34.150 through 36.34-.190 shall not apply to agreements entered into pursuant to chapter 70.150 RCW provided there is compliance with the procurement procedure under RCW 70.150.040. [1986 c 244 § 12.]

**Severability**—1986 c 244: See RCW 70.150.905.

### Chapter 36.37

#### AGRICULTURAL FAIRS AND POULTRY SHOWS

##### Sections

- 36.37.150 Lease of state-owned lands for county fairgrounds.  
36.37.160 Lease of state-owned lands for county fairgrounds—  
Lands adjacent to Northern State Hospital.

**36.37.150 Lease of state-owned lands for county fairgrounds.** If requested by a county legislative authority, an agency of the state managing state-owned lands, other than state trust lands, shall consider leasing a requested portion of these lands that are not used for any significant purpose and if not otherwise prohibited, to the county to be used as county fairgrounds. If it is determined that such a lease shall be made, the agency in setting lease charges shall consider the fair market return for leasing the land, the public benefit for leasing the land to the county for county fair purposes at a level below the fair market return, and other appropriate factors. [1986 c 307 § 3.]

**Intent**—1986 c 307: "The legislature finds that county fairs provide unique educational opportunities to the people of this state and are a public purpose. By helping counties acquire lands for county fairs, the legislature intends to preserve and enhance the educational opportunities of the people of this state." [1986 c 307 § 1.]

**36.37.160 Lease of state-owned lands for county fairgrounds—Lands adjacent to Northern State Hospital.** If requested by a county legislative authority, the department of natural resources shall negotiate a lease for any requested portion of the state lands directly adjacent to buildings on the Northern State Hospital site

that were transferred to the department under chapter 178, Laws of 1974 ex. sess., if not otherwise prohibited, to the county to use for the purpose of establishing county fairgrounds. However, the portion to be leased shall be contiguous and compact, of an area not to exceed two hundred fifty acres and shall be segregated in such a manner that the remaining portion of these state lands can be efficiently managed by the department. The lease shall be for as long as the county is actually using the land as the site of the county fairgrounds. Notwithstanding chapter 178, Laws of 1974 ex. sess., the department shall charge the county the sum of one thousand dollars per year for the lease of such lands and this sum may be periodically adjusted to compensate the department for any increased costs in administration of the lease. The lease shall contain provisions directing payment of all assessments and authorizing the county to place any improvements on the leased lands if the improvements are consistent with the purposes of county fairs. [1986 c 307 § 2.]

Intent—1986 c 307: See note following RCW 36.37.150.

Chapter 36.58

SOLID WASTE DISPOSAL

Sections

- 36.58.040 Solid waste disposal—Establishment of systems authorized—Disposal sites—Processing and conversion of solid wastes—Contracts for solid waste handling.
- 36.58.090 Contracts with private vendors for solid waste handling systems and plants—Procedures.

**36.58.040 Solid waste disposal—Establishment of systems authorized—Disposal sites—Processing and conversion of solid wastes—Contracts for solid waste handling.** The legislative authority of each county may by ordinance provide for the establishment of a system of solid waste disposal for all the unincorporated areas of the county or for portions thereof. Each county may designate disposal sites for all solid waste collected in the unincorporated areas pursuant to the provisions of a comprehensive solid waste plan adopted pursuant to chapter 70.95 RCW: *Provided*, That for any solid waste collected by a private hauler operating pursuant to a certificate granted by the Washington utilities and transportation commission under the provisions of chapter 81.77 RCW and which certificate is for collection in a geographic area lying in more than one county, such designation of disposal sites shall be pursuant to an interlocal agreement between the involved counties.

Such systems may also provide for the processing and conversion of solid wastes into other valuable or useful products with full jurisdiction and authority to construct, lease, purchase, acquire, manage, regulate, maintain, operate, and control such system and plants, and to enter into agreements with public or private parties providing for the construction, purchase, acquisition, lease, maintenance, and operation of systems and plants for the processing and conversion of solid wastes and for the sale of said products. Contracts shall be for facilities that are in substantial compliance with the solid waste

management plans prepared pursuant to chapter 70.95 RCW.

The legislative authority of a county may award contracts for solid waste handling, and such contracts may provide that a county pay a minimum periodic fee in consideration of the operational availability of a solid waste handling system or plant, without regard to the ownership of the system or plant or the amount of solid waste actually handled during all or any part of the contractual period. There shall be included in the contract specific allocation of financial responsibility in cases where the amount of solid waste handled during the contract period falls below the minimum level provided in the contract.

Nothing in this section shall be construed to authorize the operation of a solid waste collection system by counties. [1986 c 282 § 20; 1975-'76 2nd ex.s. c 58 § 2.]

Severability—Legislative findings—Construction—Liberal construction—Supplemental powers—1986 c 282: See notes following RCW 35.92.024.

**36.58.090 Contracts with private vendors for solid waste handling systems and plants—Procedures.**

(1) Notwithstanding the charter of any county, the legislative authority of a county may contract with one or more private vendors for one or more of the design, construction, or operation function of systems and plants for solid waste handling, as defined in RCW 70.95.030 and in accordance with the procedures set forth in subsections (2) and (3) of this section. Such systems and plants may be owned, leased, and/or operated in whole or in part by the county, or owned, leased, and/or operated in whole or in part by the private vendor.

(2) The legislative authority shall publish notice of its requirements and request submission of qualifications for the design, construction, and operation of solid waste handling systems and plants. The notice shall be published in the official newspaper of the county at least once a week for two weeks not less than sixty days before the final date for the submission of qualifications. The notice shall state in summary form (a) the general scope and nature of the system and plant or work for which the services are required, (b) the name and address of a representative of the county who can provide further details, and (c) the final date for the submission of qualifications.

(3) If the legislative authority of the county decides to proceed with the construction of a resource recovery facility or one or more of the services to be provided for such a facility, it may designate a representative to evaluate the vendors who submitted qualifications and conduct discussions regarding proposals with one or more vendors. The representative of the legislative authority shall recommend to the legislative authority a vendor, based upon criteria established by the county, which shall not be determined solely by price but by all terms of the contract, who is initially determined to be the best qualified to provide one or more of the services required for the proposed project. If two or more vendors submit qualifications, at least two vendors shall be interviewed. One or more vendors may be interviewed and selected to

provide services. The legislative authority or its representative shall attempt to negotiate a contract with the first vendor selected for one or more of the construction, design, or operation portions of the proposed project at a price and on other terms that the legislative authority determines to be fair and reasonable and in the best interest of the county. Only the legislative authority may approve and sign the contract: *Provided*, That where a contract for design is entered into separately from other services permitted under this section, procurement shall be in accord with chapter 39.80 RCW. If the legislative authority or its representative is unable to negotiate such a contract with the first vendor selected on terms that it determines to be fair and reasonable and in the best interest of the county, negotiations with that vendor shall be formally terminated and other vendors may be selected in accordance with the procedures set forth above. If the legislative authority decides to continue the process of selection, negotiations shall continue in accordance with this section at the sole discretion of the legislative authority until an agreement is reached with one or more vendors, or the process is terminated by the legislative authority. The process may be repeated until an agreement is reached.

(4) Prior to entering into such a contract with a vendor, the legislative authority of the county must have made written findings, after holding a public hearing on the proposal, that it is in the public interest to enter into the contract and that the contract is financially sound and advantageous compared to other methods.

(5) Each contract shall include project performance bonds or other security by the vendor which in the judgment of the legislative authority of the county is sufficient to secure adequate performance by the vendor.

(6) The provisions of chapters 39.12, 39.19, and 39.25 RCW shall apply to a contract entered into under this section to the same extent as if the systems and plants were owned by a public body. [1986 c 282 § 19.]

**Severability—Legislative findings—Construction—Liberal construction—Supplemental powers—1986 c 282:** See notes following RCW 35.92.024.

## Chapter 36.60

### COUNTY RAIL DISTRICTS

#### Sections

36.60.100	Establishment, modification, or dissolution of district—Alternate method.
36.60.110	Establishment, modification, or dissolution of district—Alternate method—Petition.
36.60.120	Establishment, modification, or dissolution of district—Alternate method—Public hearing.
36.60.130	Establishment, modification, or dissolution of district—Alternate method—Determination by county legislative authority.
36.60.140	Annexation by boundary modification—Assumption of outstanding indebtedness.

**36.60.100 Establishment, modification, or dissolution of district—Alternate method.** The method of establishing, modifying, or dissolving a county rail district in

RCW 36.60.110 through 36.60.130 is an alternate method to that specified in RCW 36.60.020. [1986 c 26 § 1.]

**36.60.110 Establishment, modification, or dissolution of district—Alternate method—Petition.** A petition to establish, modify the boundaries, or dissolve a county rail district shall be filed with the county legislative authority. The petition shall be signed by the owners of property valued at not less than seventy-five percent according to the assessed valuation for general taxation of the property for which establishment, modification or dissolution is petitioned. The petition shall set forth a legal description of the property and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. [1986 c 26 § 2.]

**36.60.120 Establishment, modification, or dissolution of district—Alternate method—Public hearing.** If a petition to establish, modify the boundaries, or dissolve a county rail district is filed with the county legislative authority that complies with the requirements specified in RCW 36.60.110, the legislative authority may accept the petition, fix a date for a public hearing, and publish notice of the hearing in one issue of the official county newspaper. The notice shall also be posted in three public places within the area proposed for establishment, modification, or dissolution, and shall specify the time and place of hearing. The expense of publication and posting of the notice shall be paid by the signers of the petition. [1986 c 26 § 3.]

**36.60.130 Establishment, modification, or dissolution of district—Alternate method—Determination by county legislative authority.** Following the hearing, the county legislative authority shall determine by resolution whether the area proposed shall establish, modify the boundaries, or dissolve the county rail district. They may include all or any portion of the proposed area but may not include any property not described in the petition. [1986 c 26 § 4.]

**36.60.140 Annexation by boundary modification—Assumption of outstanding indebtedness.** All property annexed to a county rail district by a boundary modification under RCW 36.60.110 through 36.60.130 shall assume all or any portion of the outstanding indebtedness of the county rail district existing at the date of modification. [1986 c 26 § 5.]

## Chapter 36.89

### HIGHWAYS—OPEN SPACES—PARKS— RECREATION, COMMUNITY, HEALTH AND SAFETY FACILITIES—STORM WATER CONTROL

#### Sections

36.89.085	Storm water control facilities—Public property subject to rates and charges.
-----------	--

**36.89.085 Storm water control facilities—Public property subject to rates and charges.** Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by counties pursuant to RCW 36.89.080. In setting these rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property. [1986 c 278 § 57; 1983 c 315 § 3.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**Severability—1983 c 315:** See note following RCW 90.03.500.

**Flood control zone districts—Storm water control improvements: Chapter 86.15 RCW.**

**Rates and charges for storm water control facilities—Limitations—Definitions: RCW 90.03.500 through 90.03.525. See also RCW 35.67.025, 35.92.021, 36.94.145, and 56.08.012.**

### Chapter 36.93

#### LOCAL GOVERNMENTAL ORGANIZATION— BOUNDARIES—REVIEW BOARDS

##### Sections

36.93.170 Factors to be considered by board—Incorporation proceedings exempt from state environmental policy act.

**36.93.170 Factors to be considered by board—Incorporation proceedings exempt from state environmental policy act.** In reaching a decision on a proposal or an alternative, the board shall consider the factors affecting such proposal, which shall include, but not be limited to the following:

(1) Population and territory; population density; land area and land uses; comprehensive use plans and zoning; per capita assessed valuation; topography, natural boundaries and drainage basins, proximity to other populated areas; the existence of prime agricultural soils and agricultural uses; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years; location and most desirable future location of community facilities;

(2) Municipal services; need for municipal services; effect of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; prospects of governmental services from other sources; probable future needs for such services and controls; probable effect of proposal or alternative on cost and adequacy of services and controls in area and adjacent area; the effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units; and

(3) The effect of the proposal or alternative on adjacent areas, on mutual economic and social interests, and on the local governmental structure of the county.

[1986 RCW Supp—page 274]

The provisions of chapter 43.21C RCW, State Environmental Policy, shall not apply to incorporation proceedings covered by chapter 35.02 RCW. [1986 c 234 § 33; 1982 c 220 § 2; 1979 ex.s. c 142 § 1; 1967 c 189 § 17.]

**Severability—1982 c 220:** See note following RCW 36.93.100.

**Incorporation proceedings exempt from state environmental policy act: RCW 43.21C.220.**

### Chapter 36.94

#### SEWERAGE, WATER AND DRAINAGE SYSTEMS

##### Sections

36.94.145 Public property subject to rates and charges for storm water control facilities.

36.94.180 Transfer of system upon annexation or incorporation of area.

**36.94.145 Public property subject to rates and charges for storm water control facilities.** Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by counties pursuant to RCW 36.94.140. In setting these rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property. [1986 c 278 § 58; 1983 c 315 § 4.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**Severability—1983 c 315:** See note following RCW 90.03.500.

**Flood control zone districts—Storm water control improvements: Chapter 86.15 RCW.**

**Rates and charges for storm water control facilities—Limitations—Definitions: RCW 90.03.500 through 90.03.525. See also RCW 35.67.025, 35.92.021, 36.89.085, and 56.08.012.**

**36.94.180 Transfer of system upon annexation or incorporation of area.** In the event of the annexation to a city or town of an area, or incorporation of an area, in which a county is operating a sewerage and/or water system, the property, facilities, and equipment of such sewerage and/or water system lying within the annexed or incorporated area may be transferred to the city or town if such transfer will not materially affect the operation of any of the remaining county system, subject to the assumption by the city or town of the county's obligations relating to such property, facilities, and equipment, under the procedures specified in, and pursuant to the authority contained in, chapter 35.13A RCW. [1986 c 234 § 34; 1983 c 3 § 82; 1971 ex.s. c 96 § 8; 1967 c 72 § 18.]

**Construction—Severability—1971 ex.s. c 96:** See notes following RCW 36.94.010.

**Title 37**  
**FEDERAL AREAS—INDIANS**

**Chapters****37.12 Indians and Indian lands—Jurisdiction.****Chapter 37.12****INDIANS AND INDIAN LANDS—JURISDICTION****Sections**

37.12.100	Colville Indian reservation—Retrocession of criminal jurisdiction—Intent.
37.12.110	Colville Indian reservation—Retrocession of criminal jurisdiction—Definitions.
37.12.120	Colville Indian reservation—Retrocession of criminal jurisdiction—Proclamation by governor.
37.12.130	Colville Indian reservation—Retrocession of criminal jurisdiction—Savings.
37.12.140	Colville Indian reservation—Retrocession of criminal jurisdiction—Short title.

**37.12.100 Colville Indian reservation—Retrocession of criminal jurisdiction—Intent.** It is the intent of the legislature to authorize a procedure for the retrocession, to the Colville Confederated Tribes of Washington and the United States, of criminal jurisdiction over Indians for acts occurring on tribal lands or allotted lands within the Colville Indian reservation and held in trust by the United States or subject to a restriction against alienation imposed by the United States.

RCW 37.12.100 through 37.12.140 in no way expand the Colville tribe's criminal or civil jurisdiction, if any, over non-Indians or fee title property. RCW 37.12.100 through 37.12.140 shall have no effect whatsoever on water rights, hunting and fishing rights, the established pattern of civil jurisdiction existing on the lands of the Colville Indian reservation, the established pattern of regulatory jurisdiction existing on the lands of the Colville Indian reservation, taxation, or any other matter not specifically included within the terms of RCW 37.12.100 through 37.12.140. [1986 c 267 § 2.]

**Severability—1986 c 267:** "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." [1986 c 267 § 8.]

**37.12.110 Colville Indian reservation—Retrocession of criminal jurisdiction—Definitions.** Unless the context clearly requires otherwise, the following definitions apply throughout RCW 37.12.100 through 37.12.140:

(1) "Colville reservation," or "Colville Indian reservation," means all tribal lands or allotted lands lying within the Colville Indian reservation and held in trust by the United States or subject to a restriction against alienation imposed by the United States, but does not include those lands which lie north of the present reservation which were included in original reservation boundaries created in 1872 and which are referred to as the "diminished reservation."

(2) "Indian tribe," "tribe," or "Colville tribes" means the confederated tribes of the Colville reservation.

(3) "Tribal court" means the trial and appellate courts of the Colville tribes. [1986 c 267 § 3.]

**Severability—1986 c 267:** See note following RCW 37.12.100.

**37.12.120 Colville Indian reservation—Retrocession of criminal jurisdiction—Proclamation by governor.** Whenever the governor receives from the confederated tribes of the Colville reservation a resolution expressing their desire for the retrocession by the state of all or any measure of the criminal jurisdiction acquired by the state pursuant to RCW 37.12.021 over lands of the Colville Indian reservation, the governor may, within ninety days, issue a proclamation retroceding to the United States the criminal jurisdiction previously acquired by the state over such reservation. However, the state of Washington shall retain jurisdiction as provided in RCW 37.12.010. The proclamation of retrocession shall not become effective until it is accepted by an officer of the United States government in accordance with 25 U.S.C. Sec. 1323 (82 Stat. 78, 79) and in accordance with procedures established by the United States for acceptance of such retrocession of jurisdiction. The Colville tribes shall not exercise criminal or civil jurisdiction over non-Indians. [1986 c 267 § 4.]

**Severability—1986 c 267:** See note following RCW 37.12.100.

**37.12.130 Colville Indian reservation—Retrocession of criminal jurisdiction—Savings.** An action or proceeding which has been filed with any court or agency of the state or local government preceding the effective date of retrocession of jurisdiction under RCW 37.12.100 through 37.12.140 shall not abate by reason of the retrocession or determination of jurisdiction. [1986 c 267 § 6.]

**Severability—1986 c 267:** See note following RCW 37.12.100.

**37.12.140 Colville Indian reservation—Retrocession of criminal jurisdiction—Short title.** RCW 37.12.100 through 37.12.140 may be known and cited as the Colville Indian reservation criminal jurisdiction retrocession act. [1986 c 267 § 1.]

**Severability—1986 c 267:** See note following RCW 37.12.100.

**Title 38**  
**MILITIA AND MILITARY AFFAIRS**

**Chapters****38.52 Emergency management.****Chapter 38.52****EMERGENCY MANAGEMENT****Sections**

38.52.005	Department of community development to administer emergency management program—Local organizations authorized to change name.
-----------	---

38.52.010	Definitions.
38.52.020	Declaration of policy and purpose.
38.52.030	Director—Comprehensive emergency management plan—Communications coordinating committee—State coordinator of search and rescue operations—State program for emergency assistance—State coordinator for radioactive and hazardous waste emergency response programs.
38.52.037	Comprehensive state mine rescue plan—Submittal to legislature.
38.52.050	Governor's general powers and duties.
38.52.070	Local organizations authorized—Joint establishment, operation—Emergency powers, procedures.
38.52.090	Mutual aid arrangements—Interstate civil defense and disaster compact—Interstate mutual aid compact.
38.52.170	Plan for federal area.
38.52.207	Claims arising from emergency management related activities—Filing—Consideration, adjustment, settlement, etc., by director—Effect.
38.52.210	Compensation boards—Established.
38.52.240	Compensation boards—Duties as to compensation applications.
38.52.250	Compensation boards—Quorum—Transmittal of minutes, claims—Appeal to department.
38.52.300	Right of action against third party.
38.52.310	Coverage, classification, registration, of workers.
38.52.320	Schedule of payments.
38.52.330	Expenditures authorized—Claims, payment and disposition—Appeals.
38.52.340	Benefits under other compensation plans.
38.52.360	Medical, surgical or hospital treatment.
38.52.370	Medical, surgical or hospital treatment—Reimbursement.
38.52.390	Contracts or work on cost basis for emergency management activities.
38.52.400	Search and rescue activities—Powers and duties of local officials.
38.52.410	Search and rescue activities—Distribution of funds for compensation and reimbursement of volunteers.

**38.52.005 Department of community development to administer emergency management program—Local organizations authorized to change name.** The department of community development shall administer the comprehensive emergency management program of the state of Washington as provided for in this chapter. All local organizations, organized and performing emergency management functions pursuant to RCW 38.52-.070, may change their name and be called the ----- department/division of emergency management. [1986 c 266 § 22; 1984 c 38 § 1; 1972 ex.s. c 6 § 1.]

**Transfer of powers and duties of department of emergency management and office of archaeology and historic preservation—Construction of statutory references:** "The department of emergency management and the office of archaeology and historic preservation are hereby abolished and their powers, duties, and functions are hereby transferred to the department of community development. All references to the director of emergency management or the department of emergency management and the office of archaeology and historic preservation in the Revised Code of Washington shall be construed to mean the director or department of community development." [1986 c 266 § 1.]

**Severability—1986 c 266:** "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." [1986 c 266 § 138.]

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

(1) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(2) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

(3) "Political subdivision" means any county, city or town.

(4) "Emergency worker" means any person who is registered with a local emergency management organization or the department of community development and holds an identification card issued by the local emergency management director or the department of community development for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

(5) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

(6) "Emergency or disaster" as used in this chapter shall mean an event or set of circumstances which: (a) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (b) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(7) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural or man-made disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(8) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor.

(9) "Director" means the director of community development.

(10) "Local director" means the director of a local organization of emergency management or emergency services.

(11) "Department" means the department of community development. [1986 c 266 § 23; 1984 c 38 § 2; 1979 ex.s. c 268 § 1; 1975 1st ex.s. c 113 § 1; 1974 ex.s. c 171 § 4; 1967 c 203 § 1; 1953 c 223 § 2; 1951 c 178 § 3.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**38.52.020 Declaration of policy and purpose.** (1) Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness as defined in RCW 38.52.010(6), and in order to insure that preparations of this state will be adequate to deal with such disasters, to insure the administration of state and federal programs providing disaster relief to individuals, and further to insure adequate support for search and rescue operations, and generally to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary:

(a) To provide for emergency management by the state, and to authorize the creation of local organizations for emergency management in the political subdivisions of the state;

(b) To confer upon the governor and upon the executive heads of the political subdivisions of the state the emergency powers provided herein;

(c) To provide for the rendering of mutual aid among the political subdivisions of the state and with other states and to cooperate with the federal government with respect to the carrying out of emergency management functions;

(d) To provide a means of compensating emergency management workers who may suffer any injury, as herein defined, or death; who suffer economic harm including personal property damage or loss; or who incur expenses for transportation, telephone or other methods of communication, and the use of personal supplies as a result of participation in emergency management activities; and

(e) To provide programs, with intergovernmental cooperation, to educate and train the public to be prepared for emergencies.

(2) It is further declared to be the purpose of this chapter and the policy of the state that all emergency management functions of this state and its political subdivisions be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur. [1986 c 266 § 24; 1984 c 38 § 3; 1979 ex.s. c 268 § 2; 1975 1st ex.s. c 113 § 2; 1974 ex.s. c 171 § 5; 1967 c 203 § 2; 1953 c 223 § 1; 1951 c 178 § 2.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**38.52.030 Director—Comprehensive emergency management plan—Communications coordinating committee—State coordinator of search and rescue operations—State program for emergency assistance—State coordinator for radioactive and hazardous waste emergency response programs.** (1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The director may appoint a communications coordinating committee consisting of six to eight persons with the director, or his or her designee, as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at

the time of appointment. This committee shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(8) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster, as defined by RCW 38.52.010(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: *Provided, however,* That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(9) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director. [1986 c 266 § 25; 1984 c 38 § 4; 1975 1st ex.s. c 113 § 3; 1973 1st ex.s. c 154 § 58; 1967 c 203 § 3; 1951 c 178 § 4.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

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

*Hazardous and radioactive wastes: Chapters 70.98, 70.99, 70.105, 70.136 RCW.*

**38.52.037 Comprehensive state mine rescue plan**—**Submittal to legislature.** The department shall consult with appropriate local, state, federal, and private sector officials in developing a comprehensive state mine rescue plan. The plan shall identify mine rescue resources, set forth a framework for a coordinated response to mine rescue emergencies, identify shortfalls, and recommend solutions.

The draft of the comprehensive state mine rescue plan and a schedule for submittal of the final plan shall be submitted to the legislature on January 13, 1986. [1986 c 266 § 26; 1985 c 459 § 6.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Severability**—1985 c 459: See note following RCW 79.01.668.

**38.52.050 Governor's general powers and duties.** (1) The governor, through the director, shall have general supervision and control of the emergency management functions in the department, and shall be responsible for the carrying out of the provisions of this chapter, and in the event of disaster beyond local control, may assume direct operational control over all or any part of the emergency management functions within this state.

(2) In performing his or her duties under this chapter, the governor is authorized to cooperate with the federal government, with other states, and with private agencies in all matters pertaining to the emergency management of this state and of the nation.

(3) In performing his or her duties under this chapter and to effect its policy and purpose, the governor is further authorized and empowered:

(a) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon him herein, with due consideration of the plans of the federal government;

(b) On behalf of this state, to enter into mutual aid arrangements with other states and territories, or provinces of the Dominion of Canada and to coordinate mutual aid plans between political subdivisions of this state;

(c) To delegate any administrative authority vested in him under this chapter, and to provide for the subdelegation of any such authority;

(d) To appoint, with the advice of local authorities, metropolitan or regional area coordinators, or both, when practicable;

(e) To cooperate with the president and the heads of the armed forces, the emergency management agency of the United States, and other appropriate federal officers and agencies, and with the officers and agencies of other states in matters pertaining to the emergency management of the state and nation. [1986 c 266 § 27; 1984 c 38 § 6; 1974 ex.s. c 171 § 7; 1951 c 178 § 6.]

**Severability**—1986 c 266: See note following RCW 38.52.005.



**38.52.070 Local organizations authorized—Joint establishment, operation—Emergency powers, procedures.** (1) Each political subdivision of this state is hereby authorized and directed to establish a local organization for emergency management in accordance with the state emergency management plan and program: *Provided*, That a political subdivision proposing such establishment shall submit its plan and program for emergency management to the state director and secure his or her recommendations thereon, and certification for consistency with the state comprehensive emergency management plan, in order that the plan of the local organization for emergency management may be coordinated with the plan and program of the state. No political subdivision may be required to include in its plan provisions for the emergency evacuation or relocation of residents in anticipation of nuclear attack. If the director's recommendations are adverse to the plan as submitted, and, if the local organization does not agree to the director's recommendations for modification to the proposal, the matter shall be referred to the council for final action. The director may authorize two or more political subdivisions to join in the establishment and operation of a local organization for emergency management as circumstances may warrant, in which case each political subdivision shall contribute to the cost of emergency management upon such fair and equitable basis as may be determined upon by the executive heads of the constituent subdivisions. If in any case the executive heads cannot agree upon the proper division of cost the matter shall be referred to the council for arbitration and its decision shall be final. When two or more political subdivisions join in the establishment and operation of a local organization for emergency management each shall pay its share of the cost into a special pooled fund to be administered by the treasurer of the most populous subdivision, which fund shall be known as the ----- emergency management fund. Each local organization for emergency management shall have a director who shall be appointed by the executive head of the political subdivision, and who shall have direct responsibility for the organization, administration, and operation of such local organization for emergency management, subject to the direction and control of such executive officer or officers. In the case of a jointly established and operated organization for emergency management, the director shall be appointed by the joint action of the executive heads of the constituent political subdivisions. Each local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this chapter.

(2) In carrying out the provisions of this chapter each political subdivision, in which any disaster as described in RCW 38.52.020 occurs, shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the

victims of such disaster. Each political subdivision is authorized to exercise the powers vested under this section in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds. [1986 c 266 § 28; 1984 c 38 § 7; 1974 ex.s. c 171 § 9; 1951 c 178 § 8.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**38.52.090 Mutual aid arrangements—Interstate civil defense and disaster compact—Interstate mutual aid compact.** (1) The director of each local organization for emergency management may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency management plan and program, and in time of emergency it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements. The director of community development shall adopt and distribute a standard form of contract for use by local organizations in understanding and carrying out said mutual aid arrangements.

(2) The director of community development and the director of each local organization for emergency management may, subject to the approval of the governor, enter into mutual aid arrangements with emergency management agencies or organizations in other states for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. All such arrangements shall be pursuant to either of the compacts contained in subsection (2) (a) or (b) of this section.

(a) The legislature recognizes that the compact language contained in this subsection is inadequate to meet many forms of emergencies. For this reason, after June 7, 1984, the state may not enter into any additional compacts under this subsection (2)(a).

#### INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

The contracting States solemnly agree:

Article 1. The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government

or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the States that are parties hereto. The Directors of Civil Defense (Emergency Services) of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

Article 2. It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party States shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;

(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during, and subsequent to drills or attacks;

(h) The safety of public meetings or gatherings; and

(i) Mobile support units.

Article 3. Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving State), duties, rights, privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will

come under the operational control of the civil defense authorities of the State receiving assistance.

Article 4. Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.

Article 5. No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

Article 6. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

Article 7. Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

Article 8. Any party State rendering aid in another State 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 incurred in connection with such requests; provided, that any aiding State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided further that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

Article 9. Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

Article 10. This compact shall be available to any State, territory or possession of the United States, and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.

Article 11. The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

Article 12. This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

Article 13. This compact shall continue in force and remain binding on each party State until the legislature or the Governor of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

Article 14. This compact shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be effected thereby.

Article 15. (a) This Article shall be in effect only as among those states which have enacted it into law or in

which the Governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this Article or in any supplementary agreement made in implementation thereof shall be construed to abridge, impair or supersede any other provision of this compact or any obligation undertaken by a State pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this Article may modify, expand or add to any such obligation as among the parties to the supplementary agreement.

(b) In addition to the occurrences, circumstances and subject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements and procedures thereof shall apply to:

1. Searches for and rescue of person who are lost, marooned, or otherwise in danger.

2. Action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters.

3. Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger.

4. The giving and receiving of aid by subdivisions of party States.

5. Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any disaster or other emergency to which this compact applies.

(c) Except as expressly limited by this compact or a supplementary agreement in force pursuant thereto, any aid authorized by this compact or such supplementary agreement may be furnished by any agency of a party State, a subdivision of such State, or by a joint agency providing such aid shall be entitled to reimbursement therefor to the same extent and in the same manner as a State. The personnel of such a joint agency, when rendering aid pursuant to this compact shall have the same rights, authority and immunity as personnel of party States.

(d) Nothing in this Article shall be construed to exclude from the coverage of Articles 1-15 of this compact any matter which, in the absence of this Article, could reasonably be construed to be covered thereby.

(b) The compact language contained in this subsection (2)(b) is intended to deal comprehensively with emergencies requiring assistance from other states.

#### INTERSTATE MUTUAL AID COMPACT

##### Purpose

The purpose of this Compact is to provide voluntary assistance among participating states in responding to any disaster or imminent disaster, that over extends the ability of local and state governments to reduce, counteract or remove the danger. Assistance may include, but not be limited to, rescue, fire, police, medical, communication, transportation services and facilities to cope with problems which require use of special equipment, trained

personnel or personnel in large numbers not locally available.

#### Authorization

Article I, Section 10 of the Constitution of the United States permits a state to enter into an agreement or compact with another state, subject to the consent of Congress. Congress, through enactment of Title 50 U.S.C. Sections 2281(g), 2283 and the Executive Department, by issuance of Executive Orders No. 10186 of December 1, 1950, encourages the states to enter into emergency, disaster and civil defense mutual aid agreements or pacts.

#### Implementation

It is agreed by participating states that the following conditions will guide implementation of the Compact:

1. Participating states through their designated officials are authorized to request and to receive assistance from a participating state. Requests will be granted only if the requesting state is committed to the mitigation of the emergency, and other resources are not immediately available.

2. Requests for assistance may be verbal or in writing. If the request is made by other than written communication, it shall be confirmed in writing as soon as practical after the request. A written request shall provide an itemization of equipment and operators, types of expertise, personnel or other resources needed. Each request must be signed by an authorized official.

3. Personnel and equipment of the aiding party made available to the requesting party shall, whenever possible, remain under the control and direction of the aiding party. The activities of personnel and equipment of the aiding party must be coordinated by the requesting party.

4. An aiding state shall have the right to withdraw some or all of their personnel and/or equipment whenever the personnel or equipment are needed by that state. Notice of intention to withdraw should be communicated to the requesting party as soon as possible.

#### General Fiscal Provisions

The state government of the requesting party shall reimburse the state government of the aiding party. It is understood that reimbursement shall be made as soon as possible after the receipt by the requesting party of an itemized voucher requesting reimbursement of costs.

1. Any party rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for any damage to, loss of, or expense incurred in the operation of any equipment used in responding to a request for aid, and for the cost incurred in connection with such requests.

2. Any state rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for the cost of payment of compensation and death benefits to injured officers, agents, or employees and their dependents or representatives in the event such officers, agents, or employees sustain injuries or are killed while rendering aid pursuant to this arrangement, provided that such payments are made in the same manner and

on the same terms as if the injury or death were sustained within such state.

#### Privileges and Immunities

1. All privileges and immunities from liability, exemptions from law, ordinances, rules, all pension, relief disability, workmen's compensation, and other benefits which apply to the activity of officers, agents, or employees when performing their respective functions within the territorial limits of their respective political subdivisions, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this Agreement.

2. All privileges and immunities from liability, exemptions from law, ordinances, and rules, workmen's compensation and other benefits which apply to duly enrolled or registered volunteers when performing their respective functions at the request of their state and within its territorial limits, shall apply to the same degree and extent while performing their functions extra-territorially under the provisions of this Agreement. Volunteers may include, but not be limited to, physicians, surgeons, nurses, dentists, structural engineers, and trained search and rescue volunteers.

3. The signatory states, their political subdivisions, municipal corporations and other public agencies shall hold harmless the corresponding entities and personnel thereof from the other state with respect to the acts and omissions of its own agents and employees that occur while providing assistance pursuant to the common plan.

4. Nothing in this arrangement shall be construed as repealing or impairing any existing Interstate Mutual Aid Agreements.

5. Upon enactment of this Agreement by two or more states, and by January 1, annually thereafter, the participating states will exchange with each other the names of officials designated to request and/or provide services under this arrangement. In accordance with the cooperative nature of this arrangement, it shall be permissible and desirable for the parties to exchange operational procedures to be followed in requesting assistance and reimbursing expenses.

6. This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

7. This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate official of all other party states. An actual withdrawal shall not take effect until the thirtieth consecutive day after the notice provided in the statute has been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. [1986 c 266 § 29; 1984 c 38 § 9; 1974 ex.s. c 171 § 11; 1951 c 178 § 10.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**38.52.170 Plan for federal area.** Whenever the director finds that it will be in the interest of the emergency management of this state or of the United States, the director may, with the approval of the governor, agree with the federal government, or any agency thereof carrying on activities within this state, upon a plan of emergency management applicable to a federally owned area, which plan may or may not conform to all of the other provisions of this chapter with the view to integrating federally owned areas into the comprehensive plan and program of the emergency management of this state. Such plan may confer upon persons carrying out such plan any or all of the rights, powers, privileges and immunities granted employees or representatives of the state and/or its political subdivisions by this chapter. The plan of emergency management authorized under this section may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. [1986 c 266 § 30; 1984 c 38 § 16; 1974 ex.s. c 171 § 19; 1951 c 178 § 20.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**38.52.207 Claims arising from emergency management related activities—Filing—Consideration, adjustment, settlement, etc., by director—Effect.** The director, with the approval of the attorney general, may consider, ascertain, adjust, determine, compromise and settle property loss or damage claims arising out of conduct or circumstances for which the state of Washington would be liable in law for money damages of two thousand dollars or less. The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant; and upon the state of Washington, unless procured by fraud, and shall constitute a complete release of any claim against the state of Washington. A request for administrative settlement shall not preclude a claimant from filing court action pending administrative determination, or limit the amount recoverable in such a suit, or constitute an admission against interest of either the claimant or the state. [1986 c 266 § 31; 1984 c 38 § 22; 1974 ex.s. c 171 § 25; 1971 ex.s. c 8 § 5.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**38.52.210 Compensation boards—Established. (1)** In each local organization for emergency management established by the legislative authority of the county in accordance with the provisions of RCW 38.52.070, there is hereby created and established a compensation board for the processing of claims as provided in this chapter. The compensation board shall be composed of: (a) The county executive if the county has an elected county executive or, if it does not, one member of the county legislative authority selected by the authority. The executive or the member will serve as the chair of the compensation board; (b) the county director of emergency services; (c) the prosecuting attorney; (d) the emergency services coordinator for medical and health

services; and (e) the county auditor who will serve as secretary of the compensation board.

(2) In each local organization for emergency management established by cities and towns in accordance with RCW 38.52.070, there is hereby created and established a compensation board for the processing of claims as provided in this chapter. The compensation board shall be composed of the mayor; the city director of emergency management; one councilmember or commissioner selected by the council or the commission; the city attorney or corporation counsel; and the local coordinator of medical and health services. The councilmember or commissioner so selected shall serve as the chair of the compensation board and the city director of emergency management shall serve as secretary of the board. [1986 c 266 § 32; 1984 c 38 § 23; 1981 c 213 § 6; 1974 ex.s. c 171 § 26; 1953 c 223 § 4.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**38.52.240 Compensation boards—Duties as to compensation applications.** The compensation board shall hear and decide all applications for compensation under this chapter. The board shall submit its recommendations to the director on such forms as he or she may prescribe. In case the decision of the director is different from the recommendation of the compensation board, the matter shall be submitted to the state emergency management council for action. [1986 c 266 § 33; 1984 c 38 § 25; 1974 ex.s. c 171 § 27; 1953 c 223 § 7.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**38.52.250 Compensation boards—Quorum—Transmittal of minutes, claims—Appeal to department.** A majority of the compensation board shall constitute a quorum, and no business shall be transacted when a majority is not present, and no claim shall be allowed when a majority of the board has not voted favorably thereon.

The board shall send a copy of the minutes of all meetings to the department with copies of all material pertaining to each claim submitted and noting the action of the board on each claim. Appeals may be made by the emergency worker from any action by the board within one year by writing to the department. [1986 c 266 § 34; 1984 c 38 § 26; 1974 ex.s. c 171 § 28; 1953 c 223 § 8.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**38.52.300 Right of action against third party.** If the injury to an emergency worker is due to the negligence or wrong of another not on emergency duty, the injured worker, or if death results from the injury, the surviving spouse, children, parents or dependents, as the case may be, shall elect whether to take under this chapter or seek a remedy against such other, such election to be in advance of any suit under this chapter; and if the surviving spouse takes under this chapter, the cause of action against such other shall be assigned to the department; if the other choice is made, the compensation under this chapter shall be only the deficiency, if any, between the amount of recovery against such third person actually

collected, and the compensation provided or estimated for such case under authority of this chapter: *Provided*, That the department shall prosecute all claims assigned to it and do any and all things necessary to recover on behalf of the state any and all amounts which an employer or insurance carrier might recover under the provisions of the law. [1986 c 266 § 35; 1984 c 38 § 31; 1973 1st ex.s. c 154 § 59; 1953 c 223 § 14.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

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

**38.52.310 Coverage, classification, registration, of workers.** The department shall establish by rule and regulation various classes of emergency workers, the scope of the duties of each class, and the conditions under which said workers shall be deemed to be on duty and covered by the provisions of this chapter. The department shall also adopt rules and regulations prescribing the manner in which emergency workers of each class are to be registered. [1986 c 266 § 36; 1984 c 38 § 32; 1974 ex.s. c 171 § 33; 1953 c 223 § 15.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**38.52.320 Schedule of payments.** The department shall provide each compensation board with the approved maximum schedule of payments for injury or death prescribed in chapter 51.32 RCW: *Provided*, That nothing in this chapter shall be construed as establishing any liability on the part of the department of labor and industries. [1986 c 266 § 37; 1984 c 38 § 33; 1974 ex.s. c 171 § 34; 1953 c 223 § 16.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**38.52.330 Expenditures authorized—Claims, payment and disposition—Appeals.** The department is authorized to make all expenditures necessary and proper to carry out the provisions of this chapter including payments to claimants for compensation as emergency workers and their dependents; to adjust and dispose of all claims submitted by a local compensation board. When medical treatment is necessary, the department is authorized to make medical and compensation payments on an interim basis. Nothing herein shall be construed to mean that the department or the state emergency management council or its officers or agents shall have the final decision with respect to the compensability of any case or the amount of compensation or benefits due, but any emergency worker or his or her dependents shall have the same right of appeal from any order, decision, or award to the same extent as provided in chapter 51.32 RCW. [1986 c 266 § 38; 1984 c 38 § 34; 1979 ex.s. c 268 § 3; 1974 ex.s. c 171 § 35; 1971 ex.s. c 289 § 72; 1953 c 223 § 17.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Severability**—Effective dates—1971 ex.s. c 289: See RCW 51.98.060 and 51.98.070.

**38.52.340 Benefits under other compensation plans.** Nothing in this chapter shall deprive any emergency

worker or his or her dependents of any right to compensation for injury or death sustained in the course of his or her regular employment even though his or her regular work is under direction of emergency management authorities: *Provided*, That such worker, if he or she is eligible for some other compensation plan, and receives the benefits of such plan shall not also receive any compensation under this chapter. The department shall adopt such rules and regulations as may be necessary to protect the rights of such workers and may enter into agreements with authorities in charge of other compensation plans to insure protection of such workers: *Provided*, That if the compensation from some other plan is less than would have been available under this chapter, he or she shall be entitled to receive the deficiency between the amount received under such other plan and the amount available under this chapter. [1986 c 266 § 39; 1984 c 38 § 35; 1974 ex.s. c 171 § 36; 1953 c 223 § 18.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**38.52.360 Medical, surgical or hospital treatment.** If, in addition to monetary assistance, benefits or other temporary or permanent relief, the United States or any agent thereof furnishes medical, surgical or hospital treatment or any combination thereof to an injured emergency worker, then the emergency worker has no right to receive similar medical, surgical or hospital treatment as provided in this chapter. However, the department may furnish medical, surgical or hospital treatment as part of the compensation provided under the provisions of this chapter. [1986 c 266 § 40; 1984 c 38 § 37; 1974 ex.s. c 171 § 38; 1953 c 223 § 20.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**38.52.370 Medical, surgical or hospital treatment—Reimbursement.** If, in addition to monetary assistance, benefits, or other temporary or permanent relief, the United States or any agent thereof, will reimburse an emergency worker or his or her dependents for medical, surgical or hospital treatment, or any combination thereof, furnished to the injured emergency worker, the emergency worker has no right to receive similar medical, surgical or hospital treatment as provided in this chapter, but the department, may furnish a medical, surgical or hospital treatment as part of the compensation provided under the provisions of this chapter and apply to the United States or its agent for the reimbursement which will be made to the emergency worker or his or her dependents. As a condition to the furnishing of such medical, surgical or hospital treatment, the department shall require the emergency worker and his dependents to assign to the state of Washington, for the purpose of reimbursing for any medical, surgical or hospital treatment furnished or to be furnished by the state, any claim or right such emergency worker or his or her dependents may have to reimbursement from the United States or any agent thereof. [1986 c 266 § 41; 1984 c 38 § 38; 1974 ex.s. c 171 § 39; 1953 c 223 § 21.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**38.52.390 Contracts or work on cost basis for emergency management activities.** The governor, or upon his or her direction, the director, or any political subdivision of the state, is authorized to contract with any person, firm, corporation, or entity to provide construction or work on a cost basis to be used in emergency management functions or activities as defined in RCW 38.52.010(1) or as hereafter amended, said functions or activities to expressly include natural disasters, as well as all other emergencies of a type contemplated by RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390. All funds received for purposes of RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390, whether appropriated funds, local funds, or from whatever source, may be used to pay for the construction, equipment, or work contracted for under this section. [1986 c 266 § 42; 1984 c 38 § 40; 1971 ex.s. c 8 § 6.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**38.52.400 Search and rescue activities—Powers and duties of local officials.** (1) The chief law enforcement officer of each political subdivision shall be responsible for local search and rescue activities. Operation of search and rescue activities shall be in accordance with state and local operations plans adopted by the elected governing body of each local political subdivision. The local emergency management director shall notify the department of all search and rescue missions. The local director of emergency management shall work in a coordinating capacity directly supporting all search and rescue activities in that political subdivision and in registering emergency search and rescue workers for employee status. The chief law enforcement officer of each political subdivision may restrict access to a specific search and rescue area to personnel authorized by him. Access shall be restricted only for the period of time necessary to accomplish the search and rescue mission. No unauthorized person shall interfere with a search and rescue mission.

(2) When search and rescue activities result in the discovery of a deceased person or search and rescue workers assist in the recovery of human remains, the chief law enforcement officer of the political subdivision shall insure compliance with chapter 68.08 RCW. [1986 c 266 § 43; 1984 c 38 § 41; 1979 ex.s. c 268 § 4.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**38.52.410 Search and rescue activities—Distribution of funds for compensation and reimbursement of volunteers.** Funds received by the department specifically for the purposes of compensating search and rescue volunteers shall be distributed by the director to help fund medical and compensation coverage provided by this chapter and provide reimbursement by the state for: (1) Costs involved in extraordinary search and rescue operations such as search and rescue operations lasting over twenty-four hours where food and lodging for workers is necessary; (2) excessive transportation and rescue costs

incurred by out-of-county residents which would not be otherwise collectible; and (3) compensation as provided in RCW 38.52.020(1)(d) as now or hereafter amended. [1986 c 266 § 44; 1984 c 38 § 42; 1979 ex.s. c 268 § 5.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

## Title 39 PUBLIC CONTRACTS AND INDEBTEDNESS

### Chapters

- 39.04** Public works.
- 39.29** Personal service contracts.
- 39.35B** Life-cycle cost analysis of public facilities.
- 39.36** Limitation of indebtedness of taxing districts.
- 39.46** Bonds—Issuance—Registration of ownership.
- 39.58** Public funds—Deposits and investments—Public depositories.
- 39.67** Agreements between taxing districts.
- 39.84** Industrial development revenue bonds.
- 39.86** Private activity bond allocation.

### Chapter 39.04 PUBLIC WORKS

#### Sections

- 39.04.010** Definitions.
- 39.04.020** Plans and specifications—Estimates—Publication—Emergencies.
- 39.04.050** Contents of original estimates.
- 39.04.070** Account and record of cost.
- 39.04.090** Repealed.
- 39.04.175** Application of chapter to certain service provider agreements under chapter 70.150 RCW.

**39.04.010 Definitions.** The term state shall include the state of Washington and all departments, supervisors, commissioners and agencies thereof.

The term municipality shall include every city, county, town, district or other public agency thereof which is authorized by law to require the execution of public work, except drainage districts, diking districts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts or any such other districts as shall from time to time be authorized by law for the reclamation or development of waste or undeveloped lands.

The term public work shall include all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein, but nothing herein shall apply to the construction, alteration, repair, or improvement of any municipal street railway system. All public

works, including maintenance when performed by contract shall comply with the provisions of RCW 39.12.020.

The term contract shall mean a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid. However, a contract which is awarded from a small works roster under the authority of RCW 39.04.150, 35.22.620, 28B.10.355, and 57.08.050 need not be advertised. [1986 c 282 § 1; 1982 c 98 § 1; 1977 ex.s. c 177 § 1; 1923 c 183 § 1; RRS § 10322-1.]

**Severability**—1986 c 282: See RCW 82.18.900.

**39.04.020 Plans and specifications—Estimates—Publication—Emergencies.** Whenever the state, or any municipality shall determine that any public work is necessary to be done it shall cause plans, specifications, or both thereof and an estimate of the cost of such work to be made and filed in the office of the director, supervisor, commissioner, trustee, board or agency having by law the authority to require such work to be done. The plans, specifications, and estimates of cost shall be approved by the director, supervisor, commissioner, trustee, board, or agency and the original draft or a certified copy filed in such office before further action is taken.

If the state, or such municipality shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract or by a small works roster process, and it shall appear by such estimate that the probable cost of executing such work will exceed the sum of fifteen thousand dollars, then the state or such municipality shall at least fifteen days before beginning work cause such estimate, together with a description of the work, to be published at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which such work is to be done: *Provided*, That when any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work. [1986 c 282 § 2; 1982 c 98 § 4; 1975 1st ex.s. c 230 § 2; 1967 c 70 § 1; 1923 c 183 § 2; RRS § 10322-2. Formerly RCW 39.04.020 and 39.04.030.]

**Severability**—1986 c 282: See RCW 82.18.900.

**39.04.050 Contents of original estimates.** Original estimates shall show in detail the estimated cost of the work; the estimated quantities of each class of work; the estimated unit cost for each class; the estimated total cost for each class; the time limit, allowed for the completion of the work and the estimated dates of commencement and completion. [1986 c 282 § 3; 1923 c 183 § 4; RRS § 10322-4.]

**Severability**—1986 c 282: See RCW 82.18.900.

**39.04.070 Account and record of cost.** Whenever the state or any municipality shall execute any public work by any means or method other than by contract or small works roster, it shall cause to be kept and preserved a full, true and accurate account and record of the costs of executing such work in accordance with the budgeting, accounting, and reporting system provisions prescribed by law for the state agency or municipality. [1986 c 282 § 4; 1923 c 183 § 6; RRS § 10322-6.]

**Severability**—1986 c 282: See RCW 82.18.900.

**39.04.090 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**39.04.175 Application of chapter to certain service provider agreements under chapter 70.150 RCW.** This chapter does not apply to agreements entered into under authority of chapter 70.150 RCW provided there is compliance with the procurement procedure under RCW 70.150.040. [1986 c 244 § 13.]

**Severability**—1986 c 244: See RCW 70.150.905.

## Chapter 39.29

### PERSONAL SERVICE CONTRACTS

#### Sections

39.29.040	Exemption of certain contracts.
39.29.060	Legislative findings.
39.29.070	Agencies required to report personal service contracts.

**39.29.040 Exemption of certain contracts.** Except as provided in RCW 39.29.070, this chapter does not apply to:

(1) Contracts specifying a fee of less than two thousand five hundred dollars if the total of such contracts from that agency with the contractor within a twelve-month period does not exceed two thousand five hundred dollars;

(2) Contracts awarded through competitive bids if the bidding follows a formal, documented bid procedure and if the request for bids is advertised through the media normally used by the particular service being sought: *Provided*, That for management purposes, the office of financial management may require the filing of certain contracts exempted under this subsection;

(3) Contracts where the contracting agency recognizes that an employee-employer relationship exists;

(4) Contracts awarded to companies that furnish a service where the tariff is established by the utilities and transportation commission or other public entity;

(5) Intergovernmental agreements awarded to any public corporation, whether federal, state, or local and any department, division, or subdivision thereof; and

(6) Contracts awarded for services to be performed for a standard fee, when the standard fee is established by the contracting agency or any other public corporation and a like contract is available to all qualified applicants. [1986 c 33 § 3; 1979 ex.s. c 61 § 4.]



**39.29.060 Legislative findings.** The legislature finds that: (1) The state of Washington spends in excess of seventy million dollars per biennium on personal service contracts; (2) there exists widespread confusion regarding definitions, accounting practices, and selection procedures, which, in turn, lead to the use of personal service contracts when they are not appropriate or in a manner that is not cost-effective. In addition, the legislature finds that neither the executive nor the legislative branches of government have oversight procedures which are adequate enough to allow them to determine the true extent of personal service contract use or abuse. Therefore, the legislature finds that it is in the public interest to establish oversight procedures so that the extent and appropriateness of personal service contracting by the state may be adequately evaluated. [1986 c 33 § 1.]

**39.29.070 Agencies required to report personal service contracts.** (1) No later than October 31, 1986, and each year thereafter, every agency which enters into personal service contracts shall submit a report listing all personal service contracts that were entered into, amended, or renewed during the immediately preceding fiscal year.

(2) Each report required under this section shall include for each contract or category of contracts: (a) A designation showing which contracts were entered into under a competitive process; (b) a designation showing which contracts and amendments to contracts were filed under RCW 39.29.010 and 39.29.020; (c) a designation showing which contracts were reported as personal service contracts for agency accounting purposes; and (d) the maximum cost of each contract or category of contracts.

(3) The reports required under this section shall include contracts: (a) For those services defined in RCW 39.29.006; (b) for those services which are excluded under RCW 39.29.006 because they are considered routine, continuing, and necessary in nature; (c) for those services entered into under chapter 39.80 RCW; and (d) for those services otherwise exempt from this chapter under RCW 39.29.040 (1), (2), and (3).

(4) The director of financial management shall establish procedures necessary for carrying out the purposes of this section. Such procedures shall include, at a minimum, a format for reporting contracts and the establishment of categories in which contracts may be grouped.

(5) The reports required under this section shall be submitted to the office of the governor, the office of financial management, and the legislative budget committee. [1986 c 33 § 2.]

### Chapter 39.35B

## LIFE-CYCLE COST ANALYSIS OF PUBLIC FACILITIES

#### Sections

- 39.35B.010 Legislative findings.  
39.35B.020 Legislative declaration.

- 39.35B.030 Intent.  
39.35B.040 Implementation.

**39.35B.010 Legislative findings.** The legislature finds that:

(1) Operating costs of a facility over its lifetime may greatly exceed the initial cost of the facility;

(2) In the planning, design, and funding for new construction or major renovation of state-owned facilities it is desirable to consider not only the initial costs relating to design and construction or acquisition, but the anticipated operating costs relating to the building throughout its life;

(3) The consideration of both initial and operating costs is known as life-cycle cost or life-cycle cost analysis;

(4) Operating costs of a facility for purposes of this chapter include, but are not limited to, energy costs, maintenance and repair costs, and costs of the work or activity performed within the facility, including wages and salaries;

(5) Current law, chapter 39.35 RCW, speaks to life-cycle cost analysis only in relation to energy conservation; and

(6) Life-cycle cost may not be suitable or cost-effective for all capital projects or all components of a facility, and is not an exclusive criteria for decision-making, but is nonetheless a useful framework for evaluating design and capital investment alternatives. [1986 c 127 § 1.]

**39.35B.020 Legislative declaration.** The legislature declares that:

(1) It is the policy of the state to consider life-cycle costs in the selection of facility design alternatives, to the full extent practical, reasonable, and cost-effective;

(2) Life-cycle cost should be considered by the state government, school districts, and state universities and community colleges in the planning, design, and funding for new construction or major renovations; and

(3) Use of life-cycle cost should be encouraged for cities, counties, and other governmental districts including special purpose districts. [1986 c 127 § 2.]

**39.35B.030 Intent.** It is the intent of the legislature to:

(1) Expand the definition and use of "life-cycle cost" and "life-cycle cost analysis" to include consideration of all operating costs, as opposed to only energy-related costs as addressed by chapter 39.35 RCW;

(2) Encourage the recognition, development, and use of life-cycle cost concepts and procedures by both the executive and legislative branches in the state's design development and capital budgeting processes;

(3) Ensure the dissemination and use of a common and realistic discount rate by all state agencies in the calculation of the present value of future costs;

(4) Allow and encourage the executive branch to develop specific techniques and procedures for the state government and its agencies, and state universities and community colleges to implement this policy; and

(5) Encourage cities, counties, and other governmental districts including special purpose districts to adopt programs and procedures to implement this policy. [1986 c 127 § 3.]

**39.35B.040 Implementation.** The principal executives of all state agencies are responsible for implementing the policy set forth in this chapter. The office of financial management in conjunction with the department of general administration may establish guidelines for compliance by the state government and its agencies, and state universities and community colleges. The office of financial management shall include within its biennial capital budget instructions:

(1) A discount rate for the use of all agencies in calculating the present value of future costs, and several examples of resultant trade-offs between annual operating costs eliminated and additional capital costs thereby justified; and

(2) Types of projects and building components that are particularly appropriate for life-cycle cost analysis. [1986 c 127 § 4.]

### Chapter 39.36

#### LIMITATION OF INDEBTEDNESS OF TAXING DISTRICTS

##### Sections

39.36.030 Computation of indebtedness.

**39.36.030 Computation of indebtedness.** (1) Whenever it shall be necessary to compute the indebtedness of a taxing district for bonding or any other indebtedness purposes, taxes levied for the current year and cash on hand received for the purpose of carrying on the business of such taxing district for such current year shall be considered as an asset only as against indebtedness incurred during such current year which is payable from such taxes or cash on hand: *Provided, however,* That all taxes levied for the payment of bonds, warrants or other public debts of such taxing district, shall be deemed a competent and sufficient asset of the taxing district to be considered in calculating the constitutional debt limit or the debt limit prescribed by this chapter for any taxing district: *Provided,* That the provisions of this section shall not apply in computing the debt limit of a taxing district in connection with bonds authorized pursuant to a vote of the electors at an election called prior to March 1, 1917.

(2) If reductions in assessed valuation of property within a taxing district result in the outstanding indebtedness of the taxing district exceeding its statutory indebtedness limitations, the amount of such excess indebtedness shall not be included in the statutory indebtedness ceiling. Additional indebtedness that is subject to indebtedness limitations, other than refinancing indebtedness that does not increase the total amount of indebtedness, may not be issued by such a taxing district until its total outstanding indebtedness, including that

which this subsection removes from the statutory indebtedness limitations, is below these limitations.

(3) Nothing in this section authorizes taxing districts to incur indebtedness beyond constitutional indebtedness limitations. [1986 c 50 § 1; 1921 c 123 § 1; 1917 c 143 § 2; RRS § 5606.]

### Chapter 39.46

#### BONDS—ISSUANCE—REGISTRATION OF OWNERSHIP

##### Sections

39.46.150 Revenue bonds—Alternative method of issuance—Limitations.  
39.46.160 Revenue bonds—Alternative method of issuance—Bonds may include reserve funds.

**39.46.150 Revenue bonds—Alternative method of issuance—Limitations.** (1) Any local government authorized to issue revenue bonds may issue revenue bonds under this section and RCW 39.46.160. If a local government chooses to issue revenue bonds under this section and RCW 39.46.160, the issue shall be subject to the limitations and restrictions of these sections. The authority to issue revenue bonds under this section and RCW 39.46.160 is supplementary and in addition to any authority otherwise existing. The maximum term of any revenue bonds shall be forty years unless another statute authorizing the local government to issue revenue bonds provides for a different maximum term, in which event the local government may issue revenue bonds only with terms not in excess of such different maximum term.

(2) The governing body of a local government issuing revenue bonds shall create a special fund or funds, or use an existing special fund or funds, exclusively from which, along with reserve funds which may be created by the governing body, the principal and interest on such revenue bonds shall be payable. These reserve funds include those authorized to be created by RCW 39.46.160.

Subject to the limitations contained in this section, the governing body of a local government may provide such covenants as it may deem necessary to secure the payment of the principal of and interest on revenue bonds, and premium on revenue bonds, if any. Such covenants may include, but are not limited to, depositing certain revenues into a special fund or funds as provided in subsection (3) of this section; establishing, maintaining, and collecting fees, rates, charges, tariffs, or rentals, on facilities and services, the income of which is pledged for the payment of such bonds; operating, maintaining, managing, accounting, and auditing the local government; appointing trustees, depositaries, and paying agents; and any and all matters of like or different character, which affect the security or protection of the revenue bonds.

(3) The governing body may obligate the local government to set aside and pay into a special fund or funds created under subsection (2) of this section a proportion or a fixed amount of the revenues from the following: (a) The public improvements, projects, or facilities that are financed by the revenue bonds; or (b) the public

utility or system, or an addition or extension to the public utility or system, where the improvements, projects, or facilities financed by the revenue bonds are a portion of the public utility or system; or (c) all the revenues of the local government; or (d) any other money legally available for such purposes. As used in this subsection, the term "revenues" includes the operating revenues of a local government that result from fees, rates, charges, tariffs, or rentals imposed upon the use or availability or benefit from projects, facilities, or utilities owned or operated by the local government and from related services provided by the local government and other revenues legally available to be pledged to secure the revenue bonds.

The proportion or fixed amount of revenue so obligated shall be a lien and charge against these revenues, subject only to maintenance and operating expenses. The governing body shall have due regard for the cost of maintenance and operation of the public utility, system, improvement, project, facility, addition, or extension that generates revenues obligated to be placed into the special fund or funds from which the revenue bonds are payable, and shall not set aside into the special fund or funds a greater amount or proportion of the revenues that in its judgment will be available over and above such cost of maintenance and operation and the proportion or fixed amount, if any, of the revenue so previously pledged. Other revenues, including tax revenues, lawfully available for maintenance or operation of revenue generating facilities may be used for maintenance and operation purposes even though the facilities are acquired, constructed, expanded, replaced, or repaired with moneys arising from the sale of revenue bonds. However, the use of these other revenues for maintenance and operation purposes shall not be deemed to directly or indirectly guarantee the revenue bonds or create a general obligation. The obligation to maintain and impose fees, rates, charges, tariffs, or rentals at levels sufficient to finance maintenance and operations shall remain if the other revenues available for such purposes diminish or cease.

The governing body may also provide that revenue bonds payable out of the same source or sources of revenue may later be issued on a parity with any revenue bonds being issued and sold.

(4) A revenue bond issued by a local government shall not constitute an obligation of the state, either general or special, nor a general obligation of the local government issuing the bond, but is a special obligation of the local government issuing the bond, and the interest and principal on the bond shall only be payable from the special fund or funds established pursuant to subsection (2) of this section, the revenues lawfully pledged to the special fund or funds, and any lawfully created reserve funds. The owner of a revenue bond shall not have any claim for the payment thereof against the local government arising from the revenue bond except for payment from the special fund or funds, the revenues lawfully pledged to the special fund or funds, and any lawfully created reserve funds. The owner of a revenue bond issued by a local government shall not have any claim against the

state arising from the revenue bond. Tax revenues shall not be used directly or indirectly to secure or guarantee the payment of the principal of or interest on revenue bonds.

[(5)] The substance of the limitations included in this subsection shall be plainly printed, written, engraved, or reproduced on: (a) Each revenue bond that is a physical instrument; (b) the official notice of sale; and (c) each official statement associated with the bonds.

(6) The authority to create a fund shall include the authority to create accounts within a fund.

(7) Local governments issuing revenue bonds, payable from revenues derived from projects, facilities, or utilities, shall covenant to maintain and keep these projects, facilities, or utilities in proper operating condition for their useful life. [1986 c 168 § 1.]

**39.46.160 Revenue bonds—Alternative method of issuance—Bonds may include reserve funds.** Any local government issuing revenue bonds under this section and RCW 39.46.150 may include in the amount of any such issue money for the purpose of establishing, maintaining, or increasing reserve funds to:

(1) Secure the payment of the principal of and interest on such revenue bonds; or

(2) Provide for replacements or renewals of or repairs or betterments to revenue producing facilities; or

(3) Provide for contingencies, including, but not limited to, loss of revenue caused by such contingencies. [1986 c 168 § 2.]

## Chapter 39.58

### PUBLIC FUNDS—DEPOSITS AND INVESTMENTS—PUBLIC DEPOSITARIES

Sections	
39.58.040	General powers of commission.
39.58.080	Deposit of public funds in qualified public depository required—Deposits in institutions located outside the state.
39.58.085	Demand accounts in out-of-state and alien banks—Limitations.
39.58.135	Limitations on deposits.

**39.58.040 General powers of commission.** The commission shall have power (1) to make and enforce regulations necessary and proper to the full and complete performance of its functions under this chapter; (2) to require any qualified public depository to furnish such information dealing with public deposits and the exact status of its net worth as the commission shall request. Any public depository which refuses or neglects to give promptly and accurately or to allow verification of any information so requested shall no longer be a qualified public depository and shall be excluded from the right to receive or hold public deposits until such time as the commission shall acknowledge that such depository has furnished the information requested; (3) to take such action as it deems best for the protection, collection, compromise or settlement of any claim arising in case of loss; (4) to prescribe regulations, subject to this chapter,

fixing the requirements for qualification of financial institutions as public depositaries, and fixing other terms and conditions consistent with this chapter, under which public deposits may be received and held; (5) to make and enforce regulations setting forth criteria establishing minimum standards for the financial condition of bank and thrift depositaries and, if the minimum standards are not met, providing for additional collateral requirements or restrictions regarding a depositary's right to receive or hold public deposits; (6) to fix the official date on which any loss shall be deemed to have occurred taking into consideration the orders, rules and regulations of supervisory authority as they affect the failure or inability of a qualified public depositary to repay public deposits in full; (7) in case loss occurs in more than one qualified public depositary, to determine the allocation and time of payment of any sums due to public depositors under this chapter. [1986 c 25 § 2; 1984 c 177 § 12; 1983 c 66 § 7; 1975 1st ex.s. c 77 § 2; 1969 ex.s. c 193 § 4.]

**Severability**—1983 c 66: See note following RCW 39.58.010.

**39.58.080 Deposit of public funds in qualified public depositary required**—**Deposits in institutions located outside the state.** Except for funds deposited pursuant to a fiscal agency contract with the state fiscal agent or its correspondent bank, no public funds shall be deposited in demand or investment deposits except in a qualified public depositary located in this state or as otherwise expressly permitted by statute: *Provided*, That the commission, upon good cause shown, may authorize a treasurer to maintain a demand deposit account with a banking institution located outside the state of Washington solely for the purpose of transmitting money received to financial institutions in the state of Washington for deposit for such time and upon such terms and conditions as the commission deems appropriate. [1986 c 160 § 1; 1984 c 177 § 14; 1983 c 66 § 11; 1969 ex.s. c 193 § 8.]

**Severability**—1983 c 66: See note following RCW 39.58.010.

**39.58.085 Demand accounts in out-of-state and alien banks**—**Limitations.** With the written approval of the commission, state and local governmental entities may establish demand accounts in out-of-state and alien banks in an aggregate amount not to exceed one million dollars. No single governmental entity shall be authorized to hold more than fifty thousand dollars in one demand account.

The governmental entities establishing such demand accounts shall be solely responsible for their proper and prudent management and shall bear total responsibility for any losses incurred by such accounts. Accounts established under the provisions of this section shall not be considered insured by the commission.

The state auditor shall annually monitor compliance with this section and the financial status of such demand accounts and report the findings to the appropriate committee of the legislature. [1986 c 160 § 2.]

**39.58.135 Limitations on deposits.** Notwithstanding RCW 39.58.130, (1) aggregate deposits received by a qualified public depositary from all public treasurers shall not exceed at any time one hundred fifty percent of the value of the depositary's net worth as of the close of business of the most recent calendar quarter, nor (2) shall the aggregate deposits received by any qualified public depositary exceed thirty percent of the total aggregate deposits of all public treasurers in all depositaries as determined by the public deposit protection commission. However, a qualified public depositary may receive deposits in excess of the limits provided in this section if eligible securities, as prescribed in RCW 39.58.050, are pledged as collateral in an amount equal to one hundred percent of the value of deposits received in excess of the limitations prescribed in this section. [1986 c 25 § 1; 1984 c 177 § 19.]

## Chapter 39.67

### AGREEMENTS BETWEEN TAXING DISTRICTS

#### Sections

- |           |  |
|-----------|--|
| 39.67.010 | Agreements contingent on property tax levy—Authorized—Expiration of section. |
| 39.67.020 | Transfer of funds between taxing districts—Expiration of section.            |

**39.67.010 Agreements contingent on property tax levy**—**Authorized**—**Expiration of section.** Any agreement or contract between two taxing districts other than the state which is otherwise authorized by law may be made contingent upon a particular property tax levy rate of an identified taxing district other than the state where such rate affects the regular property tax rate of one of the parties to the contract and therefore affects the party's resources with which to perform under the contract.

This section shall expire December 31, 1988. [1986 c 107 § 1.]

**Severability**—1986 c 107: "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." [1986 c 107 § 5.]

**Construction**—1986 c 107 §§ 1, 2: "Sections 1 and 2 of this act are supplementary and in addition to any other authority granted by law and shall not be construed to limit any other law." [1986 c 107 § 6.]

**39.67.020 Transfer of funds between taxing districts**—**Expiration of section.** Any taxing district other than the state may transfer funds to another taxing district other than the state where the regular property tax levy rate of the second district may affect the regular property tax levy rate of the first district and where such transfer is part of an agreement whereby proration or reduction of property taxes is lessened or avoided.

This section shall expire December 31, 1988. [1986 c 107 § 2.]

**Severability**—**Construction**—1986 c 107: See notes following RCW 39.67.010.

## Chapter 39.84

## INDUSTRIAL DEVELOPMENT REVENUE BONDS

## Sections

39.84.020 Definitions.

**39.84.020 Definitions.** As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Board of directors" means the board of directors of a public corporation.

(2) "Construction" or "construct" means construction and acquisition, whether by devise, purchase, gift, lease, or otherwise.

(3) "Facilities" means land, rights in land, buildings, structures, docks, wharves, machinery, transmission equipment, public broadcast equipment, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities.

(4) "Financing document" means a lease, sublease, installment sale agreement, conditional sale agreement, loan agreement, mortgage, deed of trust guaranty agreement, or other agreement for the purpose of providing funds to pay or secure debt service on revenue bonds.

(5) "Improvement" means reconstruction, remodeling, rehabilitation, extension, and enlargement; and "to improve" means to reconstruct, to remodel, to rehabilitate, to extend, and to enlarge.

(6) "Industrial development facilities" means manufacturing, processing, research, production, assembly, warehousing, transportation, public broadcasting, pollution control, solid waste disposal, energy facilities, sports facilities, parking facilities associated with industrial development facilities as defined in this section or with historic properties as defined in RCW 84.26.020 and industrial parks. For the purposes of this section, the term "sports facilities" shall not include facilities which are constructed for use by members of a private club or as integral or subordinate parts of a hotel or motel, or which are not available on a regular basis for general public use.

(7) "Industrial park" means acquisition and development of land as the site for an industrial park. For the purposes of this chapter, "development of land" includes the provision of water, sewage, drainage, or similar facilities, or of transportation, energy, or communication facilities, which are incidental to the use of the site as an industrial park, but does not include the provision of structures or buildings.

(8) "Municipality" means a city, town, county, or port district of this state.

(9) "Ordinance" means any appropriate method of taking official action or adopting a legislative decision by any municipality, whether known as a resolution, ordinance, or otherwise.

(10) "Project costs" means costs of (a) acquisition, construction, and improvement of any facilities included in an industrial development facility; (b) architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, and construction of an industrial development facility, including

costs of studies assessing the feasibility of an industrial development facility; (c) finance costs, including discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any trust agreement; (d) interest during construction and during the six months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves; (e) the refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and (f) other costs incidental to any of the costs listed in this section.

(11) "Revenue bond" means a nonrecourse revenue bond, nonrecourse revenue note, or other nonrecourse revenue obligation issued for the purpose of financing an industrial development facility on an interim or permanent basis.

(12) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and may include a party who transfers the right of use and occupancy to another party by lease, sublease, or otherwise. [1986 c 309 § 1; 1986 c 308 § 2; 1985 c 439 § 1; 1983 1st ex.s. c 51 § 1; 1981 c 300 § 2.]

**Reviser's note:** This section was amended by 1986 c 308 § 2 and by 1986 c 309 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Severability—1986 c 308:** See note following RCW 67.28.210.

## Chapter 39.86

## PRIVATE ACTIVITY BOND ALLOCATION

## Sections

39.86.031 Alternative allocation system—Expiration of section.

**39.86.031 Alternative allocation system—Expiration of section.** The governor is authorized to establish by executive order an alternative system for the allocation of tax exempt bonds under any new unified volume limitation provided by section 701(b) of H.R. 3838 or other federal legislation, including housing-related bonds. The allocation of the state ceiling on the issuance of certain tax exempt bonds under federal tax law may be determined under RCW 39.86.010 through 39.86-.060, under this section, or under both RCW 39.86.010 through 39.86.060 and this section to the extent necessary for federal tax law purposes. The authority delegated to the governor under this section shall constitute a "different formula for allocating the state ceiling" as that term is used in section 701(b) of H.R. 3838. The governor may from time to time allocate or reallocate some or all of the state ceiling on tax exempt bonds under any new unified volume limitation. In allocating or reallocating under this section, the governor shall take into account the requirements of federal law, the policy choices expressed in state law, the projected needs of issues of tax exempt bonds in the state and historic patterns of bond issuance. If any issuer of tax exempt bonds to which allocations of the state ceiling have been made, finds that it is reasonably likely that a portion of the state ceiling allocated to it would not be consumed, it shall promptly so notify the governor, and the governor

may by executive order, following no less than thirty days notice to issuers that have requested additional allocations, provide for the reallocation of the excess to one or more issuers.

This section shall expire July 1, 1987. [1986 c 247 § 2.]

**Legislative intent—1986 c 247:** "Sections 701 through 703 of the proposed "Tax Reform Act of 1985" (H.R. 3838), which has been adopted by the United States House of Representatives, would, if enacted, change federal tax law regarding the allocation of the maximum amount of certain tax exempt bonds that may be issued in the state, effective retroactively to January 1, 1986, or such other effective date as may be adopted. Existing Washington law enacted as part of chapter 446, Laws of 1985 (chapter 39.86 RCW) sets forth a method for allocating the state ceiling for certain tax exempt bonds under existing federal law. The allocation formula contained in chapter 39.86 RCW would become ineffective for federal tax law purposes from the effective date of H.R. 3838 if H.R. 3838 were enacted. So long as H.R. 3838 is pending with such a retroactive effective date, tax exempt bonds cannot be adequately allocated in an orderly manner under existing state law. It is the intent of the legislature to authorize the governor to promulgate an interim, alternative allocation mechanism to insure the orderly issuance of tax exempt bonds until the legislature can review federal tax law changes, if and when finally enacted, and consider a revised allocation mechanism." [1986 c 247 § 1.]

**Title 40**

**PUBLIC DOCUMENTS, RECORDS AND PUBLICATIONS**

**Chapters**

- 40.07** Management and control of state publications.
- 40.10** Microfilming of records to provide continuity of civil government.
- 40.14** Preservation and destruction of public records.

**Chapter 40.07**

**MANAGEMENT AND CONTROL OF STATE PUBLICATIONS**

**Sections**

40.07.050 Prohibition of state publications not in accordance with RCW 40.07.030—Exceptions.

**40.07.050 Prohibition of state publications not in accordance with RCW 40.07.030—Exceptions.** Neither the public printer nor any state agency shall print or authorize for printing any state publication that has been determined by the director to be inconsistent with RCW 40.07.030 except to the extent this requirement may conflict with the laws of the United States or any rules or regulations lawfully promulgated under those laws. A copy of any state publication printed without the approval of the director under the exceptions authorized in this section shall be filed with the director with a letter of transmittal citing the federal statute, rule, or regulation requiring the publication. [1986 c 158 § 5; 1977 ex.s. c 232 § 5.]

**Chapter 40.10**

**MICROFILMING OF RECORDS TO PROVIDE CONTINUITY OF CIVIL GOVERNMENT**

**Sections**

40.10.020 Essential records—Reproduction and storage—Coordination of protection program—Fees.

**40.10.020 Essential records—Reproduction and storage—Coordination of protection program—Fees.** The state archivist is authorized to reproduce those documents designated as essential records by the several elected and appointed officials of the state and local government by microfilm or other miniature photographic process and to assist and cooperate in the storage and safeguarding of such reproductions in such place as is recommended by the state archivist with the advice of the director of community development. The state archivist shall coordinate the essential records protection program and shall carry out the provisions of the state emergency plan as they relate to the preservation of essential records. The state archivist is authorized to charge the several departments of the state and local government the actual cost incurred in reproducing, storing and safeguarding such documents: *Provided*, That nothing herein shall authorize the destruction of the originals of such documents after reproduction thereof. [1986 c 266 § 45; 1985 c 7 § 106; 1982 c 36 § 2; 1973 c 54 § 2; 1963 c 241 § 2.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**Chapter 40.14**

**PRESERVATION AND DESTRUCTION OF PUBLIC RECORDS**

**Sections**

40.14.020 Division of archives and records management—State archivist—Powers and duties—Duties of public officials.

**40.14.020 Division of archives and records management—State archivist—Powers and duties—Duties of public officials.** All public records shall be and remain the property of the state of Washington. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed or disposed of, and otherwise managed, only in accordance with the provisions of this chapter. In order to insure the proper management and safeguarding of public records, the division of archives and records management is established in the office of the secretary of state, and, under the administration of the state archivist, who shall have reasonable access to all public records, wherever kept, for purposes of information, surveying, or cataloguing, shall undertake the following functions, duties, and responsibilities:

- (1) To manage the archives of the state of Washington;
- (2) To centralize the archives of the state of Washington, to make them available for reference and scholarship, and to insure their proper preservation;

(3) To inspect, inventory, catalog, and arrange retention and transfer schedules on all record files of all state departments and other agencies of state government;

(4) To insure the maintenance and security of all state public records and to establish safeguards against unauthorized removal or destruction;

(5) To establish and operate such state record centers as may from time to time be authorized by appropriation, for the purpose of preserving, servicing, screening and protecting all state public records which must be preserved temporarily or permanently, but which need not be retained in office space and equipment;

(6) To set standards by rule for the durability and permanence of records required by law or for other reasons to be filed and maintained permanently or for very long periods of time by state and local agencies;

(7) To gather and disseminate to interested agencies information on all phases of records management and current practices, methods, procedures, techniques, and devices for efficient and economical management and preservation of records;

(8) To operate a central microfilming bureau which will microfilm, at cost, records approved for filming by the head of the office of origin and the archivist; to approve microfilming projects undertaken by state departments and all other agencies of state government; and to maintain proper standards for this work;

(9) To maintain necessary facilities for the review of records approved for destruction and for their economical disposition by sale or burning; directly to supervise such destruction of public records as shall be authorized by the terms of this chapter;

(10) To conduct an oral history program to record and document the oral history of former members and staff of the Washington state legislature, former state government officials and personnel, and other citizens of interest through recording memoirs, processing and making transcripts of the tapes, and taking photographs. The tapes, transcripts, and photographs shall be indexed, shall be available for reference, and shall be properly preserved;

(11) To adopt rules under chapter 34.04 RCW to carry out the state archivist's duties under this chapter. [1986 c 275 § 1; 1983 c 84 § 1; 1981 c 115 § 1; 1957 c 246 § 2.]

**Effective date—1981 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, 1981." [1981 c 115 § 10.]

**Title 41**

**PUBLIC EMPLOYMENT, CIVIL SERVICE AND PENSIONS**

**Chapters**

- 41.04** General provisions.
- 41.05** State employees' insurance and health care.
- 41.06** State civil service law.
- 41.16** Firemen's relief and pensions—1947 act.

- 41.24** Volunteer firemen's relief and pensions.
- 41.26** Law enforcement officers' and fire fighters' retirement system.
- 41.32** Teachers' retirement.
- 41.40** Washington public employees' retirement system.
- 41.60** State employees' suggestion awards and incentive pay.

**Chapter 41.04**

**GENERAL PROVISIONS**

**Sections**

- 41.04.330** Payment of retirement benefits pursuant to court decree or order of dissolution or legal separation—Application of act.
- 41.04.385** Child day care—Legislative findings—State policy.
- 41.04.580** Dismissal of municipal employees during World War II—Redress authorized.
- 41.04.585** Dismissal of municipal employees during World War II—Redress not mandatory.
- 41.04.590** Dismissal of municipal employees during World War II—Redress—Limitations.
- 41.04.595** Dismissal of municipal employees during World War II—Definitions.

**41.04.330 Payment of retirement benefits pursuant to court decree or order of dissolution or legal separation—Application of act.** The provisions of \*this 1979 amendatory act shall apply only to court decrees of dissolution or legal separation and court-approved property settlement agreements regardless of whether entered before or after April 4, 1986, and only to those persons who have actually retired. [1986 c 317 § 10; 1979 ex.s. c 205 § 12.]

**\*Reviser's note:** "this 1979 amendatory act," see note following RCW 41.04.320.

**Severability—1986 c 317:** See note following RCW 41.40.150.

**41.04.385 Child day care—Legislative findings—State policy.** The legislature finds that (1) demographic, economic, and social trends underlie a critical and increasing demand for child day care in the state of Washington; (2) working parents and their children benefit when the employees' child care needs have been resolved; and (3) the state of Washington should serve as a model employer by creating a supportive atmosphere, to the extent feasible, in which its employees may meet their child day care needs. The legislature finds further that resolving employee child day care concerns not only benefits the employees and their children, but may benefit the employer by reducing absenteeism, increasing employee productivity, improving morale, and enhancing the employer's position in recruiting and retaining employees. Therefore, the legislature declares that it is the policy of the state of Washington to assist state employees by creating a supportive atmosphere in which they may meet their child day care needs. [1986 c 135 § 1.]

**41.04.580 Dismissal of municipal employees during World War II—Redress authorized.** A municipality may by ordinance or resolution provide for redress to

any municipal employee or the surviving spouse of a municipal employee who, due to the promulgation of federal Executive Order 9066, was dismissed, terminated from a temporary position, or rejected during the person's probationary period, or who voluntarily resigned in lieu of dismissal from municipal employment, and who incurred salary and other employment related losses as a result thereof during the years 1942 through 1947. [1986 c 225 § 2.]

**Legislative findings—1986 c 225:** "The dismissal or termination of various municipal employees during World War II resulted from the promulgation of federal Executive Order 9066 which was based mainly on fear and suspicion rather than on factual justification. It is fair and just that redress be made to those employees who were terminated from municipal employment during the wartime years because of these circumstances. The legislature therefore finds that equity and fairness will be served by authorizing municipalities to accept claims for salary and other employment related losses suffered by the municipal employees directly affected and to pay the claims subject to the provisions of this chapter." [1986 c 225 § 1.]

**Severability—1986 c 225:** "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." [1986 c 225 § 7.]

*Reparations to state employees terminated during World War II: Chapter 41.68 RCW.*

**41.04.585 Dismissal of municipal employees during World War II—Redress not mandatory.** RCW 41.04.580 through 41.04.595 do not require a municipality to adopt an ordinance or resolution providing for redress of salary and other employment related losses. [1986 c 225 § 3.]

**Legislative findings—Severability—1986 c 225:** See notes following RCW 41.04.580.

**41.04.590 Dismissal of municipal employees during World War II—Redress—Limitations.** Under the system of redress authorized under RCW 41.04.580 through 41.04.595:

(1) A municipality may determine in its sole discretion the monetary amount of redress for salary and other employment related losses, which may not exceed five thousand dollars for any undivided claim.

(2) If a municipality adopts an ordinance or resolution providing for redress of salary and other employment related losses, it has no obligation to notify directly any person of possible eligibility for redress of salary and other employment related losses. [1986 c 225 § 4.]

**Legislative findings—Severability—1986 c 225:** See notes following RCW 41.04.580.

**41.04.595 Dismissal of municipal employees during World War II—Definitions.** For the purposes of this chapter, "municipality" means a city, town, county, special purpose district, municipal corporation, quasi-municipal corporation, or political subdivision of the state of Washington. For the purposes of this chapter, a "municipal employee" means an employee of a municipality. [1986 c 225 § 5.]

**Legislative findings—Severability—1986 c 225:** See notes following RCW 41.04.580.

[1986 RCW Supp—page 294]

## Chapter 41.05

### STATE EMPLOYEES' INSURANCE AND HEALTH CARE

#### Sections

41.05.040 State employees insurance fund—Earnings.

**41.05.040 State employees insurance fund—Earnings.** 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 employee insurance 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. However, before June 30, 1987, the treasurer shall not disburse moneys from the fund when the disbursement would result in a fund balance of less than \$11,597,000. Notwithstanding RCW 43.84.090, all earnings of investments of balances in the state employees insurance fund shall be credited to this fund. [1986 c 312 § 901; 1985 c 57 § 24; 1977 ex.s. c 136 § 3; 1970 ex.s. c 39 § 4.]

**Severability—1986 c 312:** "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." [1986 c 312 § 905.]

**Effective date—1985 c 57:** See note following RCW 15.52.320.

**Effective date—Conditions prerequisite to implementing sections—1977 ex.s. c 136:** See note following RCW 41.05.005.

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

## Chapter 41.06

### STATE CIVIL SERVICE LAW

#### Sections

41.06.072 Department of community development—Certain personnel exempted from chapter.

41.06.091 Repealed.

41.06.163 Comprehensive salary and fringe benefit survey plan required—Contents.

41.06.167 Salary and fringe benefit surveys required for officers of the Washington state patrol—Comprehensive salary and fringe benefits survey plan required.

41.06.475 State employment in the supervision, care, or treatment of children or developmentally disabled persons—Rules on background investigation.

**41.06.072 Department of community development—Certain personnel exempted from chapter.** In addition to the exemptions set forth in this chapter, this chapter shall not apply within the department of community development to the state historic preservation officer and up to two professional staff members within the emergency management program. [1986 c 266 § 8.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**41.06.091 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.



**41.06.163 Comprehensive salary and fringe benefit survey plan required—Contents.** (1) In the conduct of salary and fringe benefit surveys under RCW 41.06.160 as now or hereafter amended, it is the intention of the legislature that the surveys be undertaken in a manner consistent with statistically accurate sampling techniques. For this purpose, a comprehensive salary and fringe benefit survey plan shall be submitted to the director of financial management, employee organizations, and the standing committees for appropriations of the senate and house of representatives six months before the beginning of each periodic survey required before regular legislative sessions. This comprehensive plan shall include but not be limited to the following:

(a) A complete explanation of the technical, statistical process to be used in the salary and fringe benefit survey including the percentage of accuracy expected from the planned statistical sample chosen for the survey and a definition of the term "prevailing rates" which is to be used in the planned survey;

(b) A comprehensive salary and fringe benefit survey model based on scientific statistical principles which:

(i) Encompasses the interrelationships among the various elements of the survey sample including sources of salary and fringe benefit data by organization type, size, and regional location;

(ii) Is representative of private and public employment in this state;

(iii) Ensures that, wherever practical, data from smaller, private firms are included and proportionally weighted in the survey sample; and

(iv) Indicates the methodology to be used in application of survey data to job classes used by state government;

(c) A prediction of the increase or decrease in total funding requirements expected to result from the pending salary and fringe benefit survey based on consumer price index information and other available trend data pertaining to Washington state salaries and fringe benefits.

(2) Every comprehensive survey plan shall fully consider fringe benefits as an element of compensation in addition to basic salary data. The plans prepared under this section shall be developed jointly by the department of personnel in conjunction with the higher education personnel board established under chapter 28B.16 RCW. All comprehensive salary and fringe benefit survey plans shall be submitted on a joint signature basis by the department of personnel and the higher education personnel board.

(3) Interim or special surveys conducted under RCW 41.06.160 as now or hereafter amended shall conform when possible to the statistical techniques and principles developed for regular periodic surveys under this section.

(4) The term "fringe benefits" as used in this section and in conjunction with salary surveys shall include but not be limited to compensation for:

(a) Leave time, including vacation, holiday, civil, and personal leave;

(b) Employer retirement contributions;

(c) Health and insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and

(d) Stock options, bonuses, and purchase discounts where appropriate. [1986 c 158 § 6; 1979 c 151 § 59; 1977 ex.s. c 152 § 3.]

**Severability—1977 ex.s. c 152:** See note following RCW 41.06.150.

**41.06.167 Salary and fringe benefit surveys required for officers of the Washington state patrol—Comprehensive salary and fringe benefits survey plan required.** The department of personnel shall undertake comprehensive salary and fringe benefit surveys for officers of the Washington state patrol, with such surveys to be conducted in the year prior to the convening of every other one hundred five day regular session of the state legislature. In the year prior to the convening of each one hundred five day regular session during which a comprehensive salary and fringe benefit survey is not conducted, the department shall conduct a trend salary and fringe benefit survey. This survey shall measure average salary and fringe benefit movement which has occurred since the last comprehensive salary and fringe benefit survey was conducted. The results of each comprehensive and trend survey shall be completed and forwarded by September 30, after review and concurrence by the chief of the Washington state patrol, to the governor and director of financial management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the department of personnel to the standing committees for appropriations of the senate and house of representatives. The office of financial management shall analyze the survey results and conduct investigations which may be necessary to arbitrate differences between interested parties regarding the accuracy of collected survey data and the use of such data for salary adjustment.

Surveys conducted by the department of personnel for the Washington state patrol shall be undertaken in a manner consistent with statistically accurate sampling techniques, including comparisons of weighted averages of salaries. This service performed by the department of personnel shall be on a reimbursable basis in accordance with the provisions of RCW 41.06.080 as now existing or hereafter amended.

A comprehensive salary and fringe benefits survey plan shall be submitted jointly by the department of personnel and the Washington state patrol to the director of financial management, the committee on ways and means of the senate, and the committee on appropriations of the house of representatives six months before the beginning of each periodic survey.

The first comprehensive salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30, 1986. The first trend salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30,

1988. [1986 c 158 § 7; 1985 c 94 § 3; 1980 c 11 § 2; 1979 c 151 § 60; 1977 ex.s. c 152 § 5.]

**Severability**—1977 ex.s. c 152: See note following RCW 41.06.150.

**41.06.475 State employment in the supervision, care, or treatment of children or developmentally disabled persons—Rules on background investigation.** The state personnel board shall adopt rules, in cooperation with the secretary of social and health services, for the background investigation of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons. [1986 c 269 § 2.]

*State employment in the supervision, care, or treatment of children or developmentally disabled persons—Investigation of conviction records or pending charges: RCW 43.20A.710.*

### Chapter 41.16

## FIREMEN'S RELIEF AND PENSIONS—1947 ACT

### Sections

41.16.050 Firemen's pension fund—How constituted.

**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; and (5) contributions by firemen as provided for herein. The 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 June 7, 1961, 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. [1986 c 296 § 3; 1982 1st ex.s. c 35 § 16; 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.]

**Severability**—**Effective date**—1986 c 296: See notes following RCW 48.14.020.

**Severability**—**Effective dates**—1982 1st ex.s. c 35: See notes following RCW 82.08.020.

*Insurance premiums taxes: RCW 48.14.020.*

### Chapter 41.24

## VOLUNTEER FIREMEN'S RELIEF AND PENSIONS

### Sections

41.24.030 State trust fund created—Composition—Investment—Use—Treasurer's report.  
41.24.150 Disability payments.  
41.24.160 Death benefits.  
41.24.230 Funeral and burial expenses.

**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 taxes on fire insurance premiums shall be paid into the state treasury and credited to the fund.

(5) The state investment board, 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 public employees' retirement system.

(6) All bonds or other obligations purchased according to subsection (5) of this section 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 investment board 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. [1986 c 296 § 4; 1982 1st ex.s. c 35 § 17; 1981 c 3 § 26; 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.]

**Severability—Effective date—1986 c 296:** See notes following RCW 48.14.020.

**Severability—Effective dates—1982 1st ex.s. c 35:** See notes following RCW 82.08.020.

**Effective dates—Severability—1981 c 3:** See notes following RCW 43.33A.010.

**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.]

*Insurance premium taxes: RCW 48.14.020.*

**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 one thousand two hundred dollars for a period of not to exceed six months, or forty 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 or if the member sustained an injury after October 1, 1978, which resulted in the loss or paralysis of both legs or arms, or one leg and one arm, or total loss of eyesight, but such injury has not prevented the member from engaging in an occupation or performing work for compensation or profit, he or she is entitled to draw from the fund monthly, the sum of six hundred 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 is entitled to draw from the fund monthly the additional sums of one hundred twenty dollars because of the fact of his wife or her husband, and fifty dollars because of the fact of each child unemancipated or under eighteen years of age, all to a total maximum amount of one thousand two hundred 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. [1986 c 163 § 1; 1981 c 21 § 1; 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.]

**Effective date—1981 c 21:** "This amendatory act shall take effect July 1, 1981." [1981 c 21 § 6.]

**Severability—1981 c 21:** "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." [1981 c 21 § 5.]

**41.24.160 Death benefits.** (1) 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 two thousand dollars to his widow or her widower, or if there is no widow or widower, then to his or her dependent child or children, or if there is no dependent child or children, then to his or her parents or either of them, and the sum of six hundred dollars per month to his widow or her widower during his or her life together with the additional monthly sum of fifty dollars for each 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 one thousand two hundred dollars per month.

(2) If the widow or widower does not have legal custody of one or more dependent children of the deceased fireman or if, after the death of the fireman, legal custody of such child or children passes from the widow or widower to another person, any payment on account of such child or children not in the legal custody of the widow or widower shall be made to the person or persons having legal custody of such child or children. Such payments on account of such child or children shall be subtracted from the amount to which such widow or widower would have been entitled had such widow or widower had legal custody of all the children and the widow or widower shall receive the remainder after such payments on account of such child or children have been subtracted. 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 six hundred dollars per month shall be paid for the youngest or only child together with an additional fifty dollars per month for each additional of such children to a maximum of one thousand two 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 six hundred 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. In any instance in subsections (1) and (2) of this section, if the widow or widower, child or children, or the parents, or either of them, marries while receiving such pension the person so marrying shall thereafter receive no further pension from the fund.

(3) In the case provided for in this section, the monthly payment provided may be converted in whole or in part into a lump sum payment, not in any case to exceed twelve 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 under this section on June 29, 1961, may elect, within two years, to convert such payments into a lump sum payment as provided in this section. [1986 c 163 § 2; 1981 c 21 § 2; 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.]

**Effective date—Severability—1981 c 21:** See notes following RCW 41.24.150.

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

**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 two thousand 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 five hundred 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. [1986 c 163 § 3; 1981 c 21 § 3; 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.]

**Effective date—Severability—1981 c 21:** See notes following RCW 41.24.150.

## Chapter 41.26

### LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM

#### Sections

41.26.120	Retirement for disability incurred in the line of duty.
41.26.125	Retirement for disability not incurred in the line of duty.
41.26.160	Death benefits.
41.26.450	Employer, member, and state contributions.

[1986 RCW Supp—page 298]

**41.26.120 Retirement for disability incurred in the line of duty.** Any member, regardless of his age or years of service may be retired by the disability board, subject to approval by the director as hereinafter provided, for any disability incurred in the line of duty which has been continuous since his discontinuance of service and which renders him unable to continue his service. No disability retirement allowance shall be paid until the expiration of a period of six months after the discontinuance of service 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, that such disability was incurred in the line of duty, and that such disability has been continuous from the discontinuance of 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 director in accordance with RCW 41.26.200: *Provided*, That in any order granting a duty disability retirement allowance, the disability board shall make a finding that the disability was incurred in line of duty.

(3) Every order of a disability board granting a duty disability retirement allowance shall forthwith be reviewed by the director except the finding that the disability was incurred in the line of duty. The director may affirm the decision of the disability board or remand the case for further proceedings, or the director may reverse the decision of the disability board if the

director finds the disability board's findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions; or
- (b) In excess of the statutory authority or jurisdiction of the disability board; or
- (c) Made upon unlawful procedure; or
- (d) Affected by other error of law; or
- (e) Clearly erroneous in view of the entire record as submitted and the public policy contained in this chapter; or
- (f) Arbitrary or capricious.

(4) Every member who can establish, to the disability board, that he is physically or mentally disabled from the further performance of duty, that such disability was incurred in the line 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 duty disability retirement allowance, subject to the approval of the director as provided in subsection (3) above. [1986 c 176 § 5; 1985 c 102 § 2; 1981 c 294 § 2; 1974 ex.s. c 120 § 10; 1972 ex.s. c 131 § 8; 1970 ex.s. c 6 § 7; 1969 ex.s. c 209 § 12.]

**Purpose—1985 c 102:** "As expressed in RCW 41.26.270, the intent of the legislature in enacting the law enforcement officers' and fire fighters' retirement system was to provide in RCW 41.26.120 a statute in the nature of a workers' compensation act which provides compensation to employees for personal injuries or sickness incurred in the course of employment. The sole purpose of this 1985 act is to clarify that intent." [1985 c 102 § 1.]

**Retrospective application—1985 c 102:** "The provisions of this 1985 act apply retrospectively to all disability leave and disability retirement allowances granted under chapter 41.26 RCW on or after March 1, 1970." [1985 c 102 § 7.]

**Severability—1981 c 294:** See note following RCW 41.26.115.

**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.

*Disability leave supplement for law enforcement officers and fire fighters: RCW 41.04.500 through 41.04.550.*

**41.26.125 Retirement for disability not incurred in the line of duty.** Any member, regardless of age or years of service, may be retired by the disability board, subject to approval by the director as provided in this section, for any disability not incurred in the line of duty which has been continuous since discontinuance of service and which renders the member unable to continue service. No disability retirement allowance may be paid until the expiration of a period of six months after the discontinuance of service during which period the member, if found to be physically or mentally unfit for duty by the disability board following receipt of the member's application for disability retirement, shall be granted a disability leave by the disability board and shall receive an allowance equal to the member's full monthly salary and shall continue to receive all other benefits provided to active employees from the member's employer for the period. However, if, at any time during the initial six-month period, the disability board finds the beneficiary is no longer disabled, the disability leave allowance shall be canceled and the member shall be restored to duty in the same rank or position, if any, held by the member at

the time the member became disabled. Applications for disability retirement shall be processed in accordance with the following procedures:

(1) Any member who believes he or she 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 the member, or a person acting in the member's behalf, stating that the member is disabled, either physically or mentally: *Provided*, That no such application shall be considered unless the member or someone acting in the member's behalf, in case of the incapacity of a member, has filed the application within a period of one year from and after the discontinuance of service of the 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, that such disability was not incurred in the line of duty, and that such disability had been continuous from the discontinuance of 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, 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 director in accordance with RCW 41.26.200: *Provided*, That in any order granting a nonduty disability retirement allowance, the disability board shall make a finding that the disability was not incurred in the line of duty.

(3) Every order of a disability board granting a nonduty disability retirement allowance shall forthwith be reviewed by the director except the finding that the disability was not incurred in the line of duty. The director may affirm the decision of the disability board or remand the case for further proceedings, or the director may reverse the decision of the disability board if the director finds the disability board's findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions; or
- (b) In excess of the statutory authority or jurisdiction of the disability board; or
- (c) Made upon unlawful procedure; or
- (d) Affected by other error of law; or
- (e) Clearly erroneous in view of the entire record as submitted and the public policy contained in this chapter; or
- (f) Arbitrary or capricious.

(4) Every member who can establish to the disability board that the member is physically or mentally disabled from the further performance of duty, that such disability was not incurred in the line 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 nonduty disability retirement allowance, subject to the approval of the director as provided in subsection (3) of this section. [1986 c 176 § 6; 1985 c 102 § 3.]

**Purpose—Retrospective application—1985 c 102:** See notes following RCW 41.26.120.

**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 or, in the absence of a legal guardian and if the member has created a trust for the benefit of the child or children, payment of the increase attributable to each child will be made to the trust.

(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. If the member has created a trust for the benefit of the child or children, the payment shall be made to the trust.

(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 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. [1986 c 176 § 7; 1977 ex.s. c 294 § 23; 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.

**41.26.450 Employer, member, and state contributions.** The required contribution rates to the retirement system for members, employers, and the state of Washington shall be established by the director from time to time as may be necessary upon the advice of the state actuary. The state actuary shall use the aggregate actuarial cost method to calculate contribution rates.

The member, the employer and the state shall each contribute the following shares of the cost of the retirement system:

Member	50%
Employer	30%
State	20%

Effective January 1, 1987, however, no member or employer contributions are required for any calendar month in which the member is not granted service credit.

Any adjustments in contribution rates required from time to time for future costs shall likewise be shared proportionally by the members, employers, and the state: *Provided*, That the costs of amortizing the unfunded supplemental present value of the retirement system for persons who established membership before September 30, 1977, shall be borne in full by the state.

Any increase in the contribution rate required as the result of a failure of the state or of an employer to make any contribution required by this section shall be borne in full by the state or by that employer not making the contribution.

The director shall notify all employers of any pending adjustment in the required contribution rate and such increase shall be announced at least thirty days prior to the effective date of the change.

Members' contributions required by this section shall be deducted from the members basic salary each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends. [1986 c 268 § 1; 1984 c 184 § 10; 1977 ex.s. c 294 § 6.]

**Severability—1984 c 184:** See note following RCW 41.50.150.

**Legislative direction and placement—Section headings—1977 ex.s. c 294:** See notes following RCW 41.26.400.

**Chapter 41.32**  
**TEACHERS' RETIREMENT**

Sections	
41.32.485	Minimum retirement allowance—Cost-of-living adjustment—Post-retirement adjustment—Computation.
41.32.500	Termination of membership—When membership may be retained—Resumption of employment and restoration of service credit.
41.32.570	Suspension of pension payments.
41.32.775	Employer and member contributions.

**41.32.485 Minimum retirement allowance—Cost-of-living adjustment—Post-retirement adjustment—Computation.** (1) Notwithstanding any provision of law to the contrary, effective July 1, 1986, as a cost-of-living adjustment, no beneficiary receiving a retirement allowance pursuant to this chapter shall receive, as the pension portion of that retirement allowance, less than thirteen dollars per month for each year of service creditable to the person whose service is the basis of the pension. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by thirteen dollars. Where the pension payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(2) Notwithstanding any provision of law to the contrary, effective July 1, 1979, the retirement allowance of each beneficiary who either is receiving benefits pursuant to RCW 41.32.520 or 41.32.550 as of December 31, 1978, or commenced receiving a monthly retirement allowance under this chapter as of a date no later than July 1, 1974, shall be permanently increased by a post-retirement adjustment. This adjustment shall be in lieu of any adjustments provided under RCW 41.32.499(6) as of July 1, 1979, or July 1, 1980, for the affected beneficiaries. Such adjustment shall be calculated as follows:

(a) Retirement allowances to which this subsection and subsection (1) of this section are both applicable shall be determined by first applying subsection (1) and then applying this subsection. The department shall determine the total years of creditable service and the total dollar benefit base accrued as of December 31, 1978, except that this determination shall take into account only those beneficiaries to whom this subsection applies;

(b) The department shall multiply the total benefits determined in (a) of this subsection by six percent and divide the dollar value thus determined by the total service determined in (a) of this subsection. The resultant figure shall then be a post-retirement increase factor which shall be applied as specified in (c) of this subsection;

(c) Each beneficiary to whom this subsection applies shall receive an increase which is the product of the factor determined in (b) of this subsection multiplied by the years of creditable service.

(3) The provisions of subsections (1) and (2) of this section shall not be applicable to those receiving benefits

pursuant to RCW 41.32.540 or 41.32.760 through 41.32.825. [1986 c 306 § 2; 1979 ex.s. c 96 § 2.]

**Effective date—1986 c 306:** See note following RCW 43.88.085.

**41.32.500 Termination of membership—When membership may be retained—Resumption of employment and restoration of service credit.** (1) 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:

(a) If he is eligible for retirement;

(b) 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;

(c) 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.

(2) Any member, except an elected official, who re-entered service and who failed to restore withdrawn contributions, shall now have from April 4, 1986, through June 30, 1987, to restore the contributions, with interest as determined by the director.

(3) Within the ninety days following the employee's resumption of employment, the employer shall notify the department of the resumption and the department shall then return to the employer a statement of the potential service credit to be restored, the amount of funds required for restoration, and the date when the restoration must be accomplished. The employee shall be given a copy of the statement and shall sign a copy of the statement which signed copy shall be placed in the employee's personnel file. [1986 c 317 § 2; 1983 c 233 § 1; 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.]

**Legislative findings—Intent—Severability—1986 c 317:** See notes following RCW 41.40.150.

**Severability—1983 c 233:** "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." [1983 c 233 § 4.]

**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.

**41.32.570 Suspension of pension payments.** (1) Any retired teacher who enters service in any public educational institution in Washington state 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.

(2) Subsection (1) of this section shall apply to all persons governed by the provisions of RCW 41.32.005, regardless of the date of their retirement, but shall apply only to benefits payable after June 11, 1986. [1986 c 237 § 1; 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.

**41.32.775 Employer and member contributions.** The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary: *Provided*, That the employer contribution shall be contributed as provided in RCW 41.32.401. The state actuary shall use the aggregate actuarial cost method to calculate contribution rates.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Effective January 1, 1987, however, no member or employer contributions are required for any calendar month in which the member is not granted service credit. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: *Provided*, That the costs of amortizing the unfunded supplemental present value of the retirement system for persons who established membership before September 30, 1977, shall be borne in full by the employers.

Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

The director shall notify all employers of any pending adjustment in the required contribution rate and such increase shall be announced at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members earnable compensation each payroll period. The members contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends and the employers contribution shall be remitted as provided by law. [1986 c 268 § 2; 1984 c 184 § 11; 1977 ex.s. c 293 § 6.]

**Severability—1984 c 184:** See note following RCW 41.50.150.

**Effective date—Severability—Legislative direction and placement—Section headings—1977 ex.s. c 293:** See notes following RCW 41.32.750.

**Members' retirement contributions—Payment by employer:** RCW 41.04.445.

## Chapter 41.40

### WASHINGTON PUBLIC EMPLOYEES' RETIREMENT SYSTEM

#### Sections

41.40.120	Membership.
41.40.150	Termination of membership—Restoration of service credit—Notice.
41.40.198	Minimum retirement allowance—Cost-of-living adjustment—Computation.
41.40.200	Retirement for disability in line of duty—Applicability to certain judges.
41.40.223	Duty disability retirement recipients—Continued service credit.
41.40.225	Temporary disability of department of corrections employees—Continued service credit.
41.40.235	Nonduty disability retirement allowance—Amount—Maximum—Death benefit.
41.40.330	Contributions.
41.40.361	Employer's contribution.
41.40.370	Employer's contribution—Computation—Billing.
41.40.527	Recovery of higher education service credit earned prior to July 1, 1953.
41.40.535	Transfer of reestablished service credit from state patrol retirement system.
41.40.650	Employer and member contributions.

**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, 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 during such periods of employment: *And provided further*, That any persons holding or who have held 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 to be effective during such term or terms of office, and shall be allowed to establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director and employer contributions therefor by the employer or employee with interest as determined by the director: *And provided further*, That all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall not be considered part of the member's annuity for any purpose except withdrawal of contributions;



(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 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: *And provided further,* That an employee shall not either before or after June 7, 1984, be excluded from membership or denied service credit pursuant to this subsection solely on account of enrollment under the relief and compensation provisions or the pension provisions of the volunteer firemen's relief and pension fund under chapter 41.24 RCW;

(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 when the income from these services is less than fifty percent of the gross income received from the person's 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;

(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 as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member 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;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: *Provided,* That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only from the date of application;

(17) The city manager or chief administrative officer of a city or town who serves at the pleasure of an appointing authority: *Provided,* That such persons shall have the option of applying for membership within thirty days from date of their appointment to such positions. Persons serving in such positions as of April 4, 1986, shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1986, of their desire to withdraw from membership in the retirement system. A member who withdraws from membership in the system under this section shall receive a refund of the member's accumulated contributions. [1986 c 317 § 5; 1984 c 184 § 13; 1984 c 121 § 1; 1982 1st ex.s. c 52 § 19; 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**—1986 c 317: See note following RCW 41.40.150.

**Severability**—1984 c 184: See note following RCW 41.50.150.

**Effective dates**—1982 1st ex.s. c 52: See note following RCW 41.32.401.

**Severability**—1975 c 33: See note following RCW 35.21.780.

**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 the enactment of 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.

**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.*

**41.40.150 Termination of membership—Restoration of service credit—Notice.** Should any member die, or should the individual separate or be separated from service without leave of absence before attaining age sixty years, or should the individual become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.185 or 41.40.190, the individual 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 director, which restoration must be completed within a total period of five years of membership service following the member's first resumption of employment, be returned to the status, either as an original member or new member which the member held at time of separation.

(3) Any member, except an elected official, who reentered service and who failed to restore withdrawn contributions, shall now have from April 4, 1986, through June 30, 1987, to restore the contributions, with interest as determined by the director.

(4) Within the ninety days following the employee's resumption of employment, the employer shall notify the department of the resumption and the department shall then return to the employer a statement of the potential service credit to be restored, the amount of funds required for restoration, and the date when the restoration must be accomplished. The employee shall be given a copy of the statement and shall sign a copy of the statement which signed copy shall be placed in the employee's personnel file.

(5) A member who separates or has separated after having completed at least five years of service shall remain a member during the period of absence from service for the exclusive purpose of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may on written notice to the director 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 the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

(6) (a) The recipient of a retirement allowance who is employed in an eligible position other than under RCW 41.40.120(12) shall be considered to have terminated his or her retirement status and shall immediately become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended during the period of eligible employment and the individual 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 the member had at the time of the member's previous retirement shall be reinstated, but no additional service credit shall be allowed;

(b) The recipient of a retirement allowance elected to office or appointed 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 or her retirement status and shall become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended from the date of return to membership until the date when the member again retires and the member 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 the member had at the time of the member's previous retirement shall be reinstated, but no additional service credit shall be allowed: *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), the member shall be considered to remain in a retirement status and the individual's retirement benefits shall continue without interruption.

(7) 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 Washington public 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 membership therein until attaining age sixty, shall remain a member for the exclusive purpose 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 on written notice to

the director 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 the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply. [1986 c 317 § 3; 1983 c 233 § 2; 1982 1st ex.s. c 52 § 20; 1979 ex.s. c 249 § 10; 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.]

**Legislative findings—Intent—1986 c 317:** "The legislature finds that in the past public employees and teachers who had terminated employment, withdrawn their retirement contributions, and subsequently returned to public employment or teaching either did not receive proper notification of the procedure to reinstate their withdrawn contributions or they did not fully understand the limitation on such reinstatement. In 1973, the legislature recognized this fact and provided an extraordinary reinstatement period for such employees. Further in 1983, the legislature established clear notification procedures for the proper notification of the reinstatement policy for all such returning employees. Therefore, it is the intent of this 1986 act to provide one last opportunity for reinstatement of withdrawn contributions to those who may have not been properly informed or misunderstood the reinstatement procedure." [1986 c 317 § 1.]

**Severability—1986 c 317:** "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." [1986 c 317 § 11.]

**Severability—1983 c 233:** See note following RCW 41.32.500.

**Effective dates—1982 1st ex.s. c 52:** See note following RCW 41.32.401.

**Severability—1974 ex.s. c 195:** See note following RCW 41.40.120.

**Effective date of certain subsections—1973 1st ex.s. c 190:** See RCW 41.40.011 and note following RCW 41.32.565.

**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.

**41.40.198 Minimum retirement allowance—Cost-of-living adjustment—Computation.** (1) Notwithstanding any provision of law to the contrary, effective July 1, 1986, as a cost-of-living adjustment, no beneficiary receiving a retirement allowance pursuant to this chapter shall receive, as the pension portion of that retirement allowance, less than thirteen dollars per month for each year of service creditable to the person whose service is the basis of the pension. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by thirteen dollars. Where the pension payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(2) The provisions of subsection (1) of this section shall not be applicable to those receiving benefits pursuant to RCW 41.40.220(1), 41.44.170(5), or 41.40.610 through 41.40.740. For persons who served as elected officials and whose accumulated employee contributions

and credited interest was less than seven hundred fifty dollars at the time of retirement, the minimum benefit under subsection (1) of this section shall be ten dollars per month for each year of creditable service. [1986 c 306 § 3; 1979 ex.s. c 96 § 1.]

**Effective date—1986 c 306:** See note following RCW 43.88.085.

**41.40.200 Retirement for disability in line of duty—Applicability to certain judges.** (1) Subject to the provisions of RCW 41.40.310 and 41.40.320, upon application of a member, or his or her 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 or who becomes totally incapacitated for duty and qualifies to receive benefits under Title 51 RCW as a result of an occupational disease, as now or hereafter defined in RCW 51.08.140, while in the service of an employer, without wilful negligence on his or her 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 or her duty and that such member should be retired: *Provided further*, That the director concurs in the recommendation of the medical adviser: *And provided further*, No application shall be valid or a claim thereunder enforceable unless in the case of an accident the claim is filed within two years after the date upon which the injury occurred or, in the case of an occupational disease, the claim is filed within two years after the member separated from service with the employer. The coverage provided for occupational disease under this section may be restricted in the future by the legislature for all current and future members.

(2) The retirement for disability of a judge, who is a member of the retirement system, by the supreme court under Article IV, section 31 of the Constitution of the state of Washington (House Joint Resolution No. 37, approved by the voters November 4, 1980), with the concurrence of the director, shall be considered a retirement under subsection (1) of this section. [1986 c 207 § 1; 1982 c 18 § 3; 1955 c 277 § 5; 1951 c 50 § 6; 1949 c 240 § 15; 1947 c 274 § 21; Rem. Supp. 1949 § 11072-21.]

**Reviser's note:** House Joint Resolution No. 37, approved by the voters November 4, 1980, became Amendment 71 to the state Constitution.

**41.40.223 Duty disability retirement recipients—Continued service credit.** Those members subject to this chapter who became disabled in the line of duty on or after March 27, 1984, and who received or are receiving benefits under Title 51 RCW shall receive or continue to receive service credit subject to the following:

(1) No member may receive more than one month's service credit in a calendar month.

(2) No service credit under this section may be allowed after a member separates or is separated without leave of absence.

(3) Employer contributions shall be paid by the employer at the rate in effect for the period of the service credited.

(4) Employee contributions shall be collected by the employer and paid to the department at the rate in effect for the period of service credited.

(5) Contributions shall be based on the regular compensation which the member would have received had the disability not occurred. If contribution payments are made retroactively, interest shall be charged at the rate set by the director on both employee and employer contributions. No service credit shall be granted until the employee contribution has been paid.

(6) The service and compensation credit shall not be granted for a period to exceed twelve consecutive months.

(7) Nothing in this section shall abridge service credit rights granted in RCW 41.40.220(2) and 41.40.320.

(8) Should the legislature revoke the service credit authorized under this section or repeal this section, no affected employee is entitled to receive the credit as a matter of contractual right. [1986 c 176 § 2.]

**41.40.225 Temporary disability of department of corrections employees—Continued service credit.** A member who became temporarily disabled before March 27, 1984, under the circumstances specified in RCW 72.09.240 (1) and (2) may receive service credit for such period of disability subject to all the limitations and conditions contained in RCW 41.40.223. In order to qualify for the service credit provided by this section the member must make application to the department no later than December 31, 1986, and must agree to allow the employer to withhold from the member's wages the employee contributions, with interest, as required under RCW 41.40.223. [1986 c 176 § 3.]

**41.40.235 Nonduty disability retirement allowance—Amount—Maximum—Death benefit.** (1) 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.

(2) If the recipient of a retirement allowance under this section dies before the total of the retirement allowance paid to the recipient equals the amount of the accumulated contributions at the date of retirement, then the balance shall be paid to such person or persons having an insurable interest in his or her life as the recipient has nominated by written designation duly executed and filed with the director or, if there is no such designated person or persons still living at the time of the recipient's death, then to the surviving spouse or, if there is neither such designated person or persons still living at the time of his or her death nor a surviving spouse, then to his or her legal representative. [1986 c 176 § 4; 1972 ex.s. c 151 § 10.]

**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 department of retirement systems 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 department of retirement systems expense fund, 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. Effective January 1, 1987, however, no contributions are required for any calendar month in which the member is not granted service credit. 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. [1986 c 268 § 3; 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.

**Members' retirement contributions—Payment by employer:** RCW 41.04.445.

**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 be set at a percentage sufficient to provide for the amortization of unfunded retirement system liabilities over a period of not more than forty years from June 30, 1985. 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. [1986 c 268 § 4; 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.

**41.40.370 Employer's contribution—Computation—Billing.** (1) The director shall ascertain and report to each employer the contribution rates necessary to meet present and future pension liabilities of the system for the ensuing biennium or fiscal year, whichever is applicable. The amount to be so provided shall be computed by applying the rates of contribution as established by RCW 41.40.361 or 41.40.650 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, or October 1, 1977, as the case may be, the amount to be collected as the employer's contribution shall be computed by applying the applicable rates established by RCW 41.40.361 or 41.40.650 to the total compensation earnable of employer's members as shown on the current payrolls of the said employer. Each said employer shall compute at the end of each month the amount due for that month and the same shall be paid as are its other obligations. Effective January 1, 1987, however, no contributions are required for any calendar month in which the member is not granted service credit.

(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 director shall bill such employer for such employer's contribution together with such charges as the director deems appropriate in accordance with RCW 41.50.120. 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. [1986 c 268 § 5;

1985 c 138 § 1; 1982 1st ex.s. c 52 § 22; 1979 c 151 § 63; 1977 ex.s. c 295 § 20; 1963 c 126 § 1; 1961 c 291 § 12; 1949 c 240 § 26; 1947 c 274 § 38; Rem. Supp. 1947 § 11072-38.]

**Effective dates**—1982 1st ex.s. c 52: See note following RCW 41.32.401.

**41.40.527 Recovery of higher education service credit earned prior to July 1, 1953.** Those currently employed members who were eligible to recover service earned prior to July 1, 1953, under a retirement system authorized pursuant to RCW 28B.10.400 through 28B.10.430, but who failed to do so, shall have until June 30, 1987, to pay the appropriate employee and employer contributions plus interest, as determined by the director of retirement systems, for such service which was not so recovered. [1986 c 317 § 4.]

**Legislative findings**—**Intent**—**Severability**—1986 c 317: See notes following RCW 41.40.150.

**41.40.535 Transfer of reestablished service credit from state patrol retirement system.** Any active member of this system who was a member of the retirement system governed by chapter 43.43 RCW may transfer service credit reestablished under RCW 43.43.137 to this system.

Upon receipt of any application for a transfer under this section, the department shall cause a transfer of the employee's funds from the state patrol retirement system to the retirement system under this chapter. Such service shall be credited as though earned in this system except that only one month's service shall be allowed for any one calendar month. The application for a transfer under this section shall be made by the member no later than June 30, 1986. [1986 c 154 § 3.]

**41.40.650 Employer and member contributions.** The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary. The state actuary shall use the aggregate actuarial cost method to calculate contribution rates.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Effective January 1, 1987, however, no member or employer contributions are required for any calendar month in which the member is not granted service credit. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: *Provided*, That the costs of amortizing the unfunded supplemental present value of the retirement system for persons who established membership before September 30, 1977, shall be borne in full by the employers.

Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

The director shall notify all employers of any pending adjustment in the required contribution rate and such increase shall be announced at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members compensation earnable each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends. [1986 c 268 § 6; 1984 c 184 § 12; 1977 ex.s. c 295 § 6.]

**Severability**—1984 c 184: See note following RCW 41.50.150.

**Legislative direction and placement**—**Section headings**—1977 ex.s. c 295: See notes following RCW 41.40.600.

**Members' retirement contributions**—**Payment by employer:** RCW 41.04.445.

## Chapter 41.60

### STATE EMPLOYEES' SUGGESTION AWARDS AND INCENTIVE PAY

Sections  
41.60.130 Repealed.

**41.60.130 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

## Title 42

### PUBLIC OFFICERS AND AGENCIES

#### Chapters

**42.12 Vacancies.**  
**42.17 Disclosure**—**Campaign finances**—**Lobbying**—**Records.**  
**42.18 Executive Conflict of Interest Act.**  
**42.30 Open Public Meetings Act.**

#### Chapter 42.12

#### VACANCIES

Sections  
42.12.050 Vacancy in legislative district comprising more than one county. (Effective December 15, 1986, only if proposed constitutional amendment is approved at the November 1986 state general election.)  
42.12.060 Time limitations on submitting list of nominees and making appointments. (Effective December 15, 1986, only if proposed constitutional amendment is approved at the November 1986 state general election.)

**42.12.050 Vacancy in legislative district comprising more than one county. (Effective December 15, 1986, only if proposed constitutional amendment is approved at the November 1986 state general election.)** When a vacancy occurs in the office of senator or representative of a legislative district comprising more than one county, the legislative authorities of the counties partially and entirely within the district shall, in joint action, fill the vacancy. The chairperson of the legislative authority of

the county whose population residing within the district is greatest shall chair the meeting. Members of each legislative authority, not disqualified from voting under Article II, section 15 of the state Constitution, shall cast individual votes that together amount to the percentage, rounded to the nearest whole number, that the population of the county within the legislative district bears to the population of the entire district. Populations shall be determined by the last decennial census or special census conducted by the bureau of the census of the United States department of commerce and shall exclude non-resident military personnel. The person who receives a majority percentage of the votes shall be appointed to fill the vacancy. [1986 c 159 § 2.]

**Effective date—Contingency—1986 c 159:** "Sections 1 through 3 of this act shall take effect December 15, 1986, if the proposed amendment to Article II, section 15 of the state Constitution, Substitute Senate Joint Resolution No. 138, modifying methods for filling vacancies in the legislature or county elective office, is validly submitted to and is approved and ratified by the voters at a general election held in November 1986. If the proposed amendment is not so approved and ratified, sections 1 through 3 of this act shall be null and void in their entirety." [1986 c 159 § 4.]

**42.12.060 Time limitations on submitting list of nominees and making appointments.** (Effective December 15, 1986, only if proposed constitutional amendment is approved at the November 1986 state general election.) (1) A state or county central committee submitting a list of nominees under Article II, section 15 of the state Constitution shall do so within fourteen days of the occurrence of the vacancy.

(2) A county legislative authority or jointly meeting county legislative authorities making an appointment under Article II, section 15 of the state Constitution shall do so within twenty-eight days of the occurrence of the vacancy.

(3) Except as provided in subsection (4) of this section, an appointment made by the governor under Article II, section 15 of the state Constitution shall be made within forty-two days of the occurrence of the vacancy.

(4) An appointment made by the governor under Article II, section 15 of the state Constitution to establish a majority of filled positions on a county legislative authority shall be made within twenty-eight days of the occurrence of each vacancy. [1986 c 159 § 3.]

**Effective date—Contingency—1986 c 159:** See note following RCW 42.12.050.

**Chapter 42.17**

**DISCLOSURE—CAMPAIGN FINANCES—  
LOBBYING—RECORDS**

Sections	
42.17.030	Applicability—Exceptions.
42.17.080	Candidates' and treasurers' duty to report contributions and expenditures.
42.17.090	Contents of report.
42.17.105	Special reports, late contributions over five hundred dollars—Certain late contributions prohibited.
42.17.135	Earmarked contributions.
42.17.190	Legislative activities of state agencies, other units of government, elective officials, employees.

42.17.310	Certain personal and other records exempt.
42.17.370	Commission—Additional powers. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November 1986 general election.)
42.17.405	Suspension, reapplication of reporting requirements in small political subdivisions.

**42.17.030 Applicability—Exceptions.** The provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than (1) for precinct committeeman; (2) for a federal elective office; and (3) for an office of a political subdivision of the state that does not encompass a whole county and that contains fewer than five thousand registered voters as of the date of the most recent general election in the subdivision, unless required by RCW 42.17.405(2) through (5). [1986 c 12 § 1; 1985 c 367 § 2; 1977 ex.s. c 313 § 2; 1973 c 1 § 3 (Initiative Measure No. 276, approved November 7, 1972).]

**Sunset Act application:** See note following RCW 42.17.350.

**Effective date—Severability—1977 ex.s. c 313:** See notes following RCW 42.17.020.

*Cemetery district commissioners exempt from chapter: RCW 68.16-.060, 68.16.140.*

**42.17.080 Candidates' and treasurers' duty to report contributions and expenditures.** (1) On the day the campaign treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer 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 or 42.17.050 as now or hereafter amended, a report of all contributions received and expenditures made prior to that date, if any.

(2) At the following intervals each campaign treasurer shall file with the commission and the county auditor or elections officer 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 maintains its office or headquarters and if there is no office or headquarters then in the county in which the campaign treasurer resides) a report containing the information required by RCW 42.17.090 as now or hereafter amended:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) Within twenty-one days after the date of the election: *Provided*, That this report shall not be required following a primary election from:

(i) A candidate whose name will appear on the subsequent general election ballot; or

(ii) Any continuing political committee; and

(c) On the tenth day of each month 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 and either the total contributions received or total expenditures

made since the last such report exceed two hundred dollars.

When there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the campaign treasurer shall file a final report. 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) For the period beginning the first day of the fourth month preceding the date on which the special or general election is held and ending on the date of that election, the campaign treasurer shall file with the commission and the appropriate county elections officer a report of each contribution received during that period at the time that contribution is deposited pursuant to RCW 42.17.060(1), as now or hereafter amended. The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person: *Provided*, That contributions of less than [than] twenty-five dollars from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the campaign treasurer for his records. In the event of deposits made by a deputy campaign treasurer, the copy shall be forwarded to the campaign treasurer to be retained by him for his records. Each report shall be certified as correct by the campaign treasurer or deputy campaign treasurer making the deposit.

(4) The campaign treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five 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 or such other place as may be authorized by the commission. The campaign treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(5) All reports filed pursuant to subsections (1) or (2) of this section shall be certified as correct by the candidate and the campaign treasurer.

(6) 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 or such other place as may be authorized by the commission. [1986 c 28 § 1; 1982 c 147 § 6; 1975 1st ex.s. c 294 § 6; 1973 c 1 § 8 (Initiative Measure No. 276, approved November 7, 1972).]

**Sunset Act application:** See note following RCW 42.17.350.

**42.17.090 Contents of report.** (1) Each report required under RCW 42.17.080 (1) and (2), as now or hereafter amended, 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 five 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 of less than twenty-five 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: *Provided further*, That the money value of contributions of postage shall be the face value of such postage;

(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. Information regarding the following shall be contained in a separate category of the report bearing the title "Transfer of funds": Contributions made from the campaign depository of one candidate to the campaign of another candidate; and contributions received by a candidate, or for the campaign of the candidate, from the campaign depository of another candidate;

(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 fifty 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 in accordance with RCW 42.17.095 of any surplus funds;

(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 or 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 ten 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 in the aggregate of twenty-five dollars or more to the nonreporting committee during the current calendar year, 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. A nonreporting committee incurring an obligation to file additional reports in a calendar year may satisfy the obligation by filing with the commission a letter providing updating or amending information.

(2) The campaign treasurer and the candidate shall certify the correctness of each report. [1986 c 228 § 1; 1986 c 12 § 2; 1983 c 96 § 1; 1982 c 147 § 7; 1977 ex.s. c 336 § 2; 1975-'76 2nd ex.s. c 112 § 3; 1975 1st ex.s. c 294 § 7; 1973 c 1 § 9 (Initiative Measure No. 276, approved November 7, 1972).]

**Reviser's note:** This section was amended by 1986 c 12 § 2 and by 1986 c 228 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Sunset Act application:** See note following RCW 42.17.350.

**Severability—1977 ex.s. c 336:** See note following RCW 42.17.040.

**Appearance of fairness doctrine—Application to candidates for public office—Campaign contributions:** RCW 42.36.040, 42.36.050.

#### 42.17.105 Special reports, late contributions over five hundred dollars—Certain late contributions prohibited.

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution which:

(a) Exceeds five hundred dollars;

(b) Is from a single person or entity;

(c) Is received before a primary or general election; and

(d) Is received: (i) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (ii) within twenty-one days preceding that general election.

(2) Any political committee making a contribution which exceeds five hundred dollars shall also prepare and deliver to the commission the special report if the contribution is made before a primary or general election and: (a) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (b) within twenty-one days preceding that general election.

(3) Except as provided in subsection (4), the special report required by this section shall be delivered in written form, including but not limited to mailgram, telegram, or nightletter. The special report required by subsection (1) shall be delivered to the commission within forty-eight hours of the time, or on the first working day after, the contribution is received by the candidate or campaign treasurer. The special report required by subsection (2) of this section and RCW 42.17.175 shall be delivered to the commission, and the candidate or political committee to whom the contribution is made, within twenty-four hours of the time, or on the first working day after, the contribution is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3).

(5) The special report shall include at least:

(a) The amount of the contribution;

(b) The date of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; and

(e) Any other information the commission may by rule require.

(6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(7) The commission shall publish daily a summary of the special reports made under this section and RCW 42.17.175.

(8) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 in the aggregate exceeding fifty thousand dollars for any campaign for state-wide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not

apply to contributions made by, or accepted from, a major political party as defined in RCW 29.01.090. [1986 c 228 § 2; 1985 c 359 § 1; 1983 c 176 § 1.]

**Sunset Act application:** See note following RCW 42.17.350.

**42.17.135 Earmarked contributions.** A candidate or political committee receiving a contribution earmarked for the benefit of another candidate or political committee shall, in addition to reporting the contribution as required in RCW 42.17.080 and 42.17.090, notify the candidate or political committee for whose benefit the contribution is earmarked regarding its receipt. Such notice shall be given within two working days of receipt of the contribution. A candidate or political committee for whose benefit a contribution is earmarked shall report such earmarked contribution in a separate category in the reports required by RCW 42.17.080 and 42.17.090 entitled "Earmarked Contributions." [1986 c 228 § 3.]

**42.17.190 Legislative activities of state agencies, other units of government, elective officials, employees.**

(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 authorized by subsection (3) of this section or otherwise expressly authorized by law, no public funds may be used directly or indirectly for lobbying: *Provided*, This does not prevent officers or employees of an agency 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 does not apply to the legislative branch.

(3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency: *Provided*, That public funds may not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of

this subsection, the term "gift" means a voluntary transfer of any thing of value without consideration of equal or greater value, but does not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business: *Provided further*, That this section does not permit the printing of a state publication which has been otherwise prohibited by law.

(4) No elective official or any employee of his or her office or 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, in any effort to support or oppose an initiative to the legislature. "Facilities of a public office or agency" has the same meaning as in RCW 42.17.130. The provisions of this subsection shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose an initiative to the legislature so long as (i) any required notice of the meeting includes the title and number of the initiative to the legislature, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any initiative to the legislature at an open press conference or in response to a specific inquiry;

(c) Activities which are part of the normal and regular conduct of the office or agency.

(5) Each state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district which expends public funds for lobbying shall file with the commission, except as exempted by (d) of this subsection, 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 elected official, officer, or employee who lobbied, a general description of the nature of the lobbying, and the proportionate amount of time spent on the lobbying;

(c) A listing of expenditures incurred by the agency for lobbying including but not limited to travel, consultant or other special contractual services, and brochures and other publications, the principal purpose of which is to influence legislation;

(d) For purposes of this subsection the term "lobbying" does not include:

(i) Requests for appropriations by a state agency to the office of financial management pursuant to chapter 43.88 RCW nor requests by the office of financial management to the legislature for appropriations other than its own agency budget requests;

(ii) Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation, or report by an agency on a particular subject;

(iii) Official reports including recommendations submitted to the legislature on an annual or biennial basis by a state agency as required by law;

(iv) Requests, recommendations, or other communication between or within state agencies or between or within local agencies;

(v) Any other lobbying to the extent that it includes:

(A) Telephone conversations or preparation of written correspondence;

(B) In-person lobbying on behalf of an agency of no more than four days or parts thereof during any three-month period by officers or employees of that agency and in-person lobbying by any elected official of such agency on behalf of such agency or in connection with the powers, duties, or compensation of such official: *Provided*, That the total expenditures of nonpublic funds made in connection with such lobbying 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 do not exceed fifteen dollars for any three-month period: *Provided further*, That the exemption under this subsection is in addition to the exemption provided in (A) of this subsection;

(C) Preparation or adoption of policy positions.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within one month after the end of the quarter covered by the report.

(6) In lieu of reporting under subsection (5) of this section any county, city, town, municipal corporation, quasi municipal corporation, or special purpose district may determine and so notify the public disclosure commission, that elected officials, officers, or employees who on behalf of any such local agency engage in lobbying reportable under subsection (5) of this section shall register and report such reportable lobbying in the same manner as a lobbyist who is required to register and report under RCW 42.17.150 and 42.17.170. Each such local agency shall report as a lobbyist employer pursuant to RCW 42.17.180.

(7) The provisions of this section do not relieve any elected official or officer or employee of an agency from complying with other provisions of this chapter, if such elected official, officer, or employee is not otherwise exempted.

(8) The purpose of this section is to require each state agency and certain local agencies to report the identities of those persons who lobby on behalf of the agency for compensation, together with certain separately identifiable and measurable expenditures of an agency's funds for that purpose. This section shall be reasonably construed to accomplish that purpose and not to require any agency to report any of its general overhead cost or any other costs which relate only indirectly or incidentally to lobbying or which are equally attributable to or inseparable from nonlobbying activities of the agency.

The public disclosure commission may adopt rules clarifying and implementing this legislative interpretation and policy. [1986 239 § 1; 1979 ex.s. c 265 § 1; 1977 ex.s. c 313 § 6; 1975 1st ex.s. c 294 § 12; 1973 c 1

§ 19 (Initiative Measure No. 276, approved November 7, 1972).]

**Sunset Act application:** See note following RCW 42.17.350.

**Effective date—Severability—1977 ex.s. c 313:** See notes following RCW 42.17.020.

**42.17.310 Certain personal and other records exempt.** (1) The following are 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 (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the 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, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: *Provided*, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: *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.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are 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 may 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. [1986 c 299 § 25; 1986 c 276 § 7; 1985 c 414 § 8; 1984 c 143 § 21; 1983 c 133 § 10; 1982 c 64 § 1; 1977 ex.s. c 314 § 13; 1975-'76 2nd ex.s. c 82 § 5; 1975 1st ex.s. c 294 § 17; 1973 c 1 § 31 (Initiative Measure No. 276, approved November 7, 1972).]

**Reviser's note:** This section was amended by 1986 c 276 § 7 and by 1986 c 299 § 25, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Severability—Effective date—1986 c 299:** See RCW 28C.10.900 and 28C.10.902.

**Severability—1986 c 276:** See RCW 53.31.901.

**Severability—1984 c 143:** See RCW 81.34.900.

*Exemptions from public inspection*

*accounting records of special inquiry judge: RCW 10.29.090.*

*certain criminal records: Chapter 10.97 RCW.*

*certificate submitted by physically or mentally disabled person seeking a driver's license: RCW 46.20.041.*

*examination reports of the supervisor of banking and supervisor of savings and loan associations: RCW 30.04.075, 32.04.220, 33.04.110.*

*judicial qualifications commission, records of: RCW 2.64.110.*

*liability reserves of local government joint self-insurance pool: RCW 48.62.110.*

*medical disciplinary board, reports required to be filed with: RCW 18.72.265.*

*organized crime*

*advisory board files: RCW 10.29.030.*

*investigative information: RCW 43.43.856.*

*salary and fringe benefit survey information: RCW 28B.16.110, 41.06.160.*

*sales reports of commercial fertilizers: RCW 15.54.360.*

**42.17.370 Commission—Additional powers. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November 1986 general election.)** The commission is empowered to:

(1) Adopt, promulgate, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.04 RCW;

(2) Appoint and set, within the limits established by the committee on agency officials' salaries under RCW 43.03.028, the compensation of an executive director who shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor shall it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations;

(3) 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;

(4) Make from time to time, on its own motion, audits and field investigations;

(5) 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;

(6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(7) Adopt and promulgate a code of fair campaign practices;

(8) Relieve, by rule, 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;

(9) Adopt rules 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 the rules, accounts, and reports and make appropriate findings, comments, and recommendations in his examination reports concerning those agencies;

(10) After hearing, by order approved and ratified by a majority of the membership of the commission, suspend or modify any of the reporting requirements of this chapter in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that the suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report or any member of his immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any 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 under this section. Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order; and

(11) Revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter (reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials), the revisions shall equally affect all thresholds within each category. Revisions shall be adopted as rules under chapter 34.04 RCW. The first revision authorized by this subsection shall reflect economic changes from the time of the last legislative enactment affecting the respective code or threshold through December 1985. [1986 c 155 § 11; 1985 c 367 § 11; 1984 c 34 § 7; 1977 ex.s. c 336 § 7;

1975 1st ex.s. c 294 § 25; 1973 c 1 § 37 (Initiative Measure No. 276, approved November 7, 1972).]

**Sunset Act application:** See note following RCW 42.17.350.

**Contingent effective date—Severability—1986 c 155:** See notes following RCW 43.03.300.

**Severability—1977 ex.s. c 336:** See note following RCW 42.17.040.

**42.17.405 Suspension, reapplication of reporting requirements in small political subdivisions.** (1) Except as provided in subsections (2) and (3) of this section, the reporting provisions of this chapter do not apply to candidates, elected officials, and agencies in political subdivisions with less than one thousand registered voters as of the date of the most recent general election in the jurisdiction, to political committees formed to support or oppose candidates or ballot propositions in such political subdivisions, or to persons making independent expenditures in support of or opposition to such ballot propositions.

(2) The reporting provisions of this chapter apply in any exempt political subdivision from which a "petition for disclosure" containing the valid signatures of fifteen percent of the number of registered voters, as of the date of the most recent general election in the political subdivision, is filed with the commission. The commission shall by rule prescribe the form of the petition. After the signatures are gathered, the petition shall be presented to the auditor or elections officer of the county, or counties, in which the political subdivision is located. The auditor or elections officer shall verify the signatures and certify to the commission that the petition contains no less than the required number of valid signatures. The commission, upon receipt of a valid petition, shall order every known affected person in the political subdivision to file the initially required statement and reports within fourteen days of the date of the order.

(3) The reporting provisions of this chapter apply in any exempt political subdivision that by ordinance, resolution, or other official action has petitioned the commission to make the provisions applicable to elected officials and candidates of the exempt political subdivision. A copy of the action shall be sent to the commission. If the commission finds the petition to be a valid action of the appropriate governing body or authority, the commission shall order every known affected person in the political subdivision to file the initially required statement and reports within fourteen days of the date of the order.

(4) The commission shall void any order issued by it pursuant to subsection (2) or (3) of this section when, at least four years after issuing the order, the commission is presented a petition or official action so requesting from the affected political subdivision. Such petition or official action shall meet the respective requirements of subsection (2) or (3) of this section.

(5) Any petition for disclosure, ordinance, resolution, or official action of an agency petitioning the commission to void the exemption in RCW 42.17.030(3) shall not be considered unless it has been filed with the commission:

(a) In the case of a ballot measure, at least sixty days before the date of any election in which campaign finance reporting is to be required;

(b) In the case of a candidate, at least sixty days before the first day on which a person may file a declaration of candidacy for any election in which campaign finance reporting is to be required.

(6) Any person exempted from reporting under this chapter may at his or her option file the statement and reports. [1986 c 12 § 3; 1985 c 367 § 13; 1982 c 60 § 1.]

**Sunset Act application:** See note following RCW 42.17.350.

### Chapter 42.18

#### EXECUTIVE CONFLICT OF INTEREST ACT

##### Sections

42.18.350 Repealed.

**42.18.350 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 42.30

#### OPEN PUBLIC MEETINGS ACT

##### Sections

42.30.110 Executive sessions.

**42.30.110 Executive sessions.** (1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a) To consider matters affecting national security;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries,

wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer. [1986 c 276 § 8; 1985 c 366 § 2; 1983 c 155 § 3; 1979 c 42 § 1; 1973 c 66 § 2; 1971 ex.s. c 250 § 11.]

**Severability—1986 c 276:** See RCW 53.31.901.

## Title 43

### STATE GOVERNMENT—EXECUTIVE

#### Chapters

43.03 Salaries and expenses.

43.08 State treasurer.

43.10 Attorney general.

43.17 Administrative departments and agencies—  
General provisions.

43.19 Department of general administration.

43.20A Department of social and health services.

43.21B Environmental hearings office—Pollution  
control hearings board of the state.

43.21F State energy office.

43.23 Department of agriculture.

43.24 Department of licensing.

43.30 Department of natural resources.

43.31 Department of trade and economic  
development.

43.41 Office of financial management.

43.43 Washington state patrol.

43.51 Parks and recreation commission.

43.52 Operating agencies.

43.63A Department of community development.

43.79 State funds.

43.88 State budgeting, accounting, and reporting  
system.

43.88A Legislative fiscal notes.

43.99G Bonds for capital projects.

- 43.101 Criminal justice training commission—Education and training standards boards.
- 43.105 Data processing and communications systems.
- 43.131 Washington sunset act of 1977.
- 43.132 Fiscal impact of proposed legislation on political subdivisions.
- 43.168 Washington state development loan fund committee.
- 43.180 Housing finance commission.
- 43.185 Housing assistance for low-income persons.
- 43.200 Radioactive waste act.
- 43.220 Washington conservation corps.
- 43.250 Investment of local government funds.

### Chapter 43.03

#### SALARIES AND EXPENSES

##### Sections

- 43.03.010 Salaries of elective state officers (as amended by 1986 c 161). (Effective January 1, 1987.)
- 43.03.010 Salaries of elective state officers (as amended by 1986 c 155). (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.)
- 43.03.028 State committee on agency officials' salaries—Members—Duties—Reports. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.)
- 43.03.040 Salaries of certain directors and chief executive officers. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.)
- 43.03.045 Repealed. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.)
- 43.03.047 Repealed. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.)
- 43.03.260 Compensation of members of part-time boards and commissions—Reports to legislature.
- 43.03.300 Legislative declaration—Purpose. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.)
- 43.03.305 Washington citizens' commission on salaries for elected officials—Created—Membership—Terms—Vacancies. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.)
- 43.03.310 Duties of citizens' commission—Travel expenses—Chairperson—Schedule of salaries—Publication—Hearings. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.)

#### 43.03.010 Salaries of elective state officers (as amended by 1986 c 161). (Effective January 1, 1987.)

(1) Effective January 1, 1987, the annual salaries of the following named state elected officials shall be: Governor, seventy-four thousand nine hundred dollars; lieutenant governor, forty-one thousand two 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, forty-two thousand four hundred dollars; state treasurer, forty-six thousand four hundred fifty dollars; state auditor, forty-six thousand four hundred fifty dollars; attorney general, fifty-five thousand four hundred fifty dollars; superintendent of public instruction, fifty-three thousand three hundred dollars; commissioner of public lands, fifty-three thousand three hundred dollars; state insurance commissioner, forty-six thousand four hundred fifty dollars.

(2) Effective January 1, 1988, the annual salaries of the following named state elected officials shall be: Governor, eighty-six thousand eight hundred dollars; lieutenant governor, fifty-three 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, fifty-three thousand eight hundred dollars; state treasurer, fifty-five thousand seven hundred dollars; state auditor, fifty-five thousand seven hundred dollars; attorney general, sixty-three thousand eight hundred dollars; superintendent of public instruction, sixty-three thousand eight hundred dollars; commissioner of public lands, sixty-three thousand eight hundred dollars; state insurance commissioner, fifty-five thousand seven hundred dollars.

(3) Members of the legislature shall receive for their service thirteen thousand seven hundred fifty dollars effective January 1, 1984; fourteen thousand five hundred dollars per annum, effective January 12, 1987; fifteen thousand dollars per annum, effective January 1, 1988; sixteen thousand dollars per annum, effective January 9, 1989; and seventeen thousand dollars per annum, effective January 1, 1990; and in addition, reimbursement for mileage for travel to and from legislative sessions as provided in RCW 43.03.060. [1986 c 161 § 1; 1983 1st ex.s. c 29 § 3; 1979 ex.s. c 255 § 1; 1977 ex.s. c 318 § 1; 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, approved November 6, 1973); 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.]

**Effective date—1986 c 161 § 1:** "Section 1 of this act shall take effect on January 1, 1987." [1986 c 161 § 3.] "Section 1 of this act" is the 1986 c 161 amendment to RCW 43.03.010.

**Severability—1986 c 161:** "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." [1986 c 161 § 5.]

**Effective date—1979 ex.s. c 255:** "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, 1979." [1979 ex.s. c 255 § 11.]

**Effective date—1977 ex.s. c 318:** "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, 1977." [1977 ex.s. c 318 § 7.]

**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." [1974 ex.s. c 149 § 7 (Initiative Measure No. 282).]

**Construction—1965 ex.s. c 127:** "The salary increases provided for herein shall take effect at the earliest time allowable by the Constitution of the state of Washington, including Article II, section 13, Article II, section 25, Article IV, section 13, and Article XXVIII: *Provided*, That it is the intent of the legislature that nothing in this act shall render a member of the legislature or of the judiciary ineligible to file for and be elected to the legislature or the judiciary respectively." [1965 ex.s. c 127 § 5.] "This act" [1965 ex.s. c 127] is codified as RCW 2.04.090, 2.08.090, 43.03.010 and 44.04.080.

**43.03.010 Salaries of elective state officers (as amended by 1986 c 155). (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.)** The annual salaries of the following named state elected officials shall be prescribed by the Washington citizens' commission on salaries for elected officials: Governor; lieutenant governor: *Provided*, That in arriving at the annual salary of the lieutenant governor the commission shall prescribe a fixed amount 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; state treasurer; state auditor; attorney general; superintendent of public instruction; commissioner of public lands; and state insurance commissioner. Members of the legislature shall receive for their service per annum the amount prescribed by the Washington citizens' commission on salaries for elected officials; and in addition, reimbursement for mileage for travel to and from legislative sessions as provided in RCW 43.03.060. [1986 c 155 § 8; 1983 1st ex.s. c 29 § 3; 1979 ex.s. c 255 § 1; 1977 ex.s. c 318 § 1; 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, approved November 6, 1973); 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.]

**Reviser's note:** RCW 43.03.010 was amended twice during the 1986 legislative session, each without reference to the other. However, the amendment to RCW 43.03.010 by 1986 c 155 is contingent upon approval by the voters at the November, 1986, general election of an amendment to Article XXVIII of the state Constitution. See note following RCW 43.03.300.

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

**Contingent effective date—Severability—1986 c 155:** See notes following RCW 43.03.300.

**Effective date—1979 ex.s. c 255:** "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, 1979." [1979 ex.s. c 255 § 11.]

**Effective date—1977 ex.s. c 318:** "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, 1977." [1977 ex.s. c 318 § 7.]

**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." [1974 ex.s. c 149 § 7 (Initiative Measure No. 282).]

**Construction—1965 ex.s. c 127:** "The salary increases provided for herein shall take effect at the earliest time allowable by the Constitution of the state of Washington, including Article II, section 13, Article II, section 25, Article IV, section 13, and Article XXVIII: *Provided*, That it is the intent of the legislature that nothing in this act shall render a member of the legislature or of the judiciary ineligible to file for and be elected to the legislature or the judiciary respectively." [1965 ex.s. c 127 § 5.]

*Salaries of elected officials: State Constitution Art. 28 § 1.*

*Washington citizens' commission on salaries for elected officials: RCW 43.03.305.*

**43.03.028 State committee on agency officials' salaries—Members—Duties—Reports. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.)** (1) There is hereby created a state committee on agency officials' salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the chairperson of the council of presidents of the state's four-year institutions of higher education; the chairperson 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. 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.

(2) The committee 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 or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the capitol historical association and museum; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the department of personnel; the state finance committee; the state library; the traffic safety commission; the horse racing commission; the commission for vocational education; the advisory council on vocational education; the public disclosure commission; the hospital commission; the state conservation commission; the commission on Mexican-American affairs; the commission on Asian-American affairs; the state board for volunteer firemen; the urban arterial board; the data processing authority; the public employees relations commission; the forest



practices appeals board; and the energy facilities site evaluation council.

The committee shall report to the governor or the chairperson of the appropriate salary fixing authority 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 each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(3) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060. [1986 c 155 § 9; 1982 c 163 § 21; 1980 c 87 § 20. Prior: 1977 ex.s. c 127 § 1; 1977 c 75 § 36; 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.]

**Contingent effective date—Severability—1986 c 155:** See notes following RCW 43.03.300.

**Severability—Effective date—1982 c 163:** See notes following RCW 2.10.052.

**Severability—1970 ex.s. c 43:** See note following RCW 43.03.027.

**43.03.040 Salaries of certain directors and chief executive officers.** (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.) The directors of the several departments and members of the several boards and commissions, whose salaries are fixed by the governor and the chief executive officers of the agencies named in RCW 43.03.028(2) as now or hereafter amended shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor or the appropriate salary fixing authority, in an amount not to exceed the recommendations of the committee on agency officials' salaries. [1986 c 155 § 12; 1977 ex.s. c 127 § 2; 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.]

**Contingent effective date—Severability—1986 c 155:** See notes following RCW 43.03.300.

**Severability—1970 ex.s. c 43:** See note following RCW 43.03.027.

**43.03.045 Repealed.** (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.) See Supplementary Table of Disposition of Former RCW Sections, this volume, and note following RCW 43.03.300.

**43.03.047 Repealed.** (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.) See Supplementary Table of Disposition of Former RCW Sections, this volume, and note following RCW 43.03.300.

**43.03.260 Compensation of members of part-time boards and commissions—Reports to legislature.** The office of financial management shall review the compensation levels established for the various boards and commissions by RCW 43.03.220, 43.03.230, 43.03.240, and 43.03.250. The conclusions of the review, together with

any proposed legislation, shall be submitted to the appropriate standing committees of the legislature by December 1, 1988, and every four years thereafter. [1986 c 158 § 8; 1984 c 287 § 113.]

**Legislative findings—Severability—Effective date—1984 c 287:** See notes following RCW 43.03.220.

**43.03.300 Legislative declaration—Purpose.** (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.) The legislature hereby declares it to be the policy of this state to base salaries of elected state officials on realistic standards in order that such officials may be paid according to the duties of their offices and so that citizens of the highest quality may be attracted to public service. It is the purpose of RCW 43.03.300 through 43.03.310 to effectuate this policy by creating a citizens' commission to establish proper salaries for such officials, thus removing political considerations in fixing the appropriateness of the amount of such salaries. [1986 c 155 § 1.]

**Contingent effective date—1986 c 155:** "This act shall take effect on January 1, 1987, if the proposed amendment to Article XXVIII of the state Constitution establishing an exclusive process for changes in the salaries of members of the legislature and other elected state officials is validly submitted and is approved and ratified by the voters at a general election held in November, 1986. If such proposed amendment is not so submitted and approved and ratified, this act shall be null and void in its entirety." [1986 c 155 § 16.]

**Severability—1986 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." [1986 c 155 § 15.]

**43.03.305 Washington citizens' commission on salaries for elected officials—Created—Membership—Terms—Vacancies.** (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.) There is created a commission to be known as the Washington citizens' commission on salaries for elected officials, to consist of fifteen members appointed by the governor as provided in this section.

(1) Eight of the fifteen commission members shall be selected by lot by the secretary of state from among those registered voters eligible to vote at the general election held in November, 1986, and thereafter from among those registered voters eligible to vote at the time of the selection. One member shall be selected from each congressional district. The secretary shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those for notifying persons selected and for providing a new selection from a congressional district if a person selected from the district declines appointment to the commission.

(2) The remaining seven of the fifteen commission members, all residents of this state, shall be selected jointly by the speaker of the house of representatives and the president of the senate. The persons selected under this subsection shall have had experience in the field of personnel management. Of these seven members, one shall be selected from each of the following five sectors

in this state: Private institutions of higher education; business; professional personnel management; legal profession; and organized labor. Of the two remaining members, one shall be a person recommended to the speaker and the president by the chairperson of the state personnel board and one shall be a person recommended by majority vote of the presidents of the state's four-year institutions of higher education.

(3) The secretary of state shall forward the names of persons selected under subsection (1) of this section and the speaker of the house of representatives and president of the senate shall forward the names of persons selected under subsection (2) of this section to the governor who shall appoint these persons to the commission. Except as provided in subsection (6) of this section, the names of persons selected for appointment to the commission shall be forwarded to the governor not later than February 15, 1987, and not later than the fifteenth day of February every four years thereafter.

(4) Members shall hold office for terms of four years, and no person may be appointed to more than two such terms. No member of the commission may be removed by the governor during his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office or for a disqualifying change of residence.

(5) No state official, public employee, or lobbyist, or immediate family member of the official, employee, or lobbyist, subject to the registration requirements of chapter 42.17 RCW is eligible for membership on the commission.

As used in this subsection the phrase "immediate family" means the parents, spouse, siblings, children, or dependent relative of the official, employee, or lobbyist whether or not living in the household of the official, employee, or lobbyist.

(6) Upon a vacancy in any position on the commission, a successor shall be selected and appointed to fill the unexpired term. The selection and appointment shall be concluded within thirty days of the date the position becomes vacant and shall be conducted in the same manner as originally provided. [1986 c 155 § 2.]

~~Contingent effective date—Severability—1986 c 155: See notes following RCW 43.03.300.~~

**43.03.310 Duties of citizens' commission—Travel expenses—Chairperson—Schedule of salaries—Publication—Hearings.** (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.) (1) The citizens' commission on salaries for elected officials shall study the relationship of salaries to the duties of members of the legislature, all elected officials of the executive branch of state government, and all judges of the supreme court, court of appeals, superior courts, and district courts, and shall fix the salary for each respective position.

(2) Except as provided otherwise in this section, the commission shall be solely responsible for its own organization, operation, and action and shall enjoy the fullest

cooperation of all state officials, departments, and agencies.

(3) Members of the commission shall receive no compensation for their services, but shall be eligible to receive a subsistence allowance and travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(4) The members of the commission shall elect a chairperson from among their number. The commission shall set a schedule of salaries by an affirmative vote of not less than eight members of the commission.

(5) The commission shall file its initial schedule of salaries for the elected officials with the secretary of state no later than the first Monday in June, 1987, and shall file a schedule biennially thereafter. Each such schedule shall be filed in legislative bill form, shall be assigned a chapter number and published with the session laws of the legislature, and shall be codified by the statute law committee. The signature of the chairperson of the commission shall be affixed to each schedule submitted to the secretary of state. The chairperson shall certify that the schedule has been adopted in accordance with the provisions of state law and with the rules, if any, of the commission. Such schedules shall become effective ninety days after the filing thereof, except as provided in Article XXVIII, section 1 of the state Constitution. State laws regarding referendum petitions shall apply to such schedules to the extent consistent with Article XXVIII, section 1 of the state Constitution.

(6) Prior to the filing of any salary schedule, the commission shall hold no fewer than four public hearings thereon within the four months immediately preceding the filing.

(7) All meetings, actions, hearings, and business of the commission shall be subject in full to the open public meetings act, chapter 42.30 RCW.

(8) Salaries of the officials referred to in subsection (1) of this section that are in effect on January 12, 1987, shall continue until modified by the commission under this section. [1986 c 155 § 3.]

~~Contingent effective date—Severability—1986 c 155: See notes following RCW 43.03.300.~~

## Chapter 43.08 STATE TREASURER

### Sections

43.08.062 Warrants—Presentation—Cancellation.

**43.08.062 Warrants—Presentation—Cancellation.** Should the payee or legal holder of any warrant drawn against the state treasury fail to present the warrant for payment within one hundred eighty days of the date of its issue or, if registered and drawing interest, within one hundred eighty days of its call, the state treasurer shall enter the same as canceled on the books of his office.

Should the payee or legal owner of such a canceled warrant thereafter present it for payment, the state treasurer may, upon proper showing by affidavit and the delivery of the warrant into his possession, issue a new

warrant in lieu thereof, and the state treasurer is authorized to pay the new warrant. [1986 c 99 § 1; 1981 c 10 § 2; 1965 c 8 § 43.08.062. Prior: 1890 p 638 § 13; RRS § 11008; prior: 1883 p 61 § 1. Formerly RCW 43.09.100.]

### Chapter 43.10 ATTORNEY GENERAL

#### Sections

43.10.045	Retention of counsel by legislature—Notice—Representation in absence of notice.
43.10.100	Annual report.
43.10.232	Concurrent authority to investigate crimes and initiate and conduct prosecutions—Payment of costs.

**43.10.045 Retention of counsel by legislature—Notice—Representation in absence of notice.** The legislature may employ or retain counsel of its own choosing. However, the legislature shall notify the attorney general whenever it makes a decision to use the services of such counsel to represent it or any of its members in a particular judicial or administrative proceeding. With respect to any such proceeding where the legislature has not so notified the attorney general, the attorney general shall represent the legislature until so notified. For purposes of this section, "legislature" means the senate and house of representatives together. The major purposes of this section are to confirm and implement in statute law the constitutional power of the legislative branch to select its own counsel. [1986 c 323 § 1.]

**43.10.100 Annual report.** The attorney general, by February 1st of each year, shall annually prepare and report to the governor and the legislature a concise statement, in layman's terms, 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. The attorney general shall include in his report a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The amount of any settlement or verdict reached, and the terms for payment;
- (6) A summary of all settlement offers made by the parties where a verdict was returned against the state;
- (7) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefor; and
- (8) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for

changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims. [1986 c 313 § 16; 1977 c 75 § 42; 1965 c 8 § 43.10.100. Prior: 1929 c 92 § 5; RRS § 11033; prior: 1888 p 8 § 7.]

**43.10.232 Concurrent authority to investigate crimes and initiate and conduct prosecutions—Payment of costs.** (1) The attorney general shall have concurrent authority and power with the prosecuting attorneys to investigate crimes and initiate and conduct prosecutions upon the request of or with the concurrence of any of the following:

- (a) The county prosecuting attorney of the jurisdiction in which the offense has occurred;
- (b) The governor of the state of Washington; or
- (c) A majority of the committee charged with the oversight of the organized crime intelligence unit.

(2) Such request or concurrence shall be communicated in writing to the attorney general.

(3) Prior to any prosecution by the attorney general under this section, the attorney general and the county in which the offense occurred shall reach an agreement regarding the payment of all costs, including expert witness fees, and defense attorneys' fees associated with any such prosecution. [1986 c 257 § 16; 1981 c 335 § 2.]

**Severability—1986 c 257:** See note following RCW 9A.56.010.

### Chapter 43.17 ADMINISTRATIVE DEPARTMENTS AND AGENCIES—GENERAL PROVISIONS

#### Sections

43.17.150	Receipt of property or money from United States attorney general—Use, expenditure—Deposit.
43.17.230	Emergency information telephone services—Accessibility from all phones required—Charges.

**43.17.150 Receipt of property or money from United States attorney general—Use, expenditure—Deposit.** (1) Each state agency is authorized to receive property or money made available by the attorney general of the United States under section 881(e) of Title 21 of the United States Code and, except as required to the contrary under subsection (2) of this section, to use the property or spend the money for such purposes as are permitted under both federal law and the state law specifying the powers and duties of the agency.

(2) Unless precluded by federal law, all funds received by a state agency under section 881(e) of Title 21 of the United States Code shall be promptly deposited into the public safety and education account established in RCW 43.08.250. [1986 c 246 § 1.]

**43.17.230 Emergency information telephone services—Accessibility from all phones required—Charges.** (1) The legislature finds that when the state provides emergency information by telephone to citizens that is of a critical nature, such as road or weather hazards, the information should be accessible from all residential, commercial, and coin-operated telephones.

Information such as road and weather conditions should be available to all persons traveling within the state whether they own a telephone in this state or not.

(2) If an agency or department of the state makes emergency information services available by telephone, the agency or department shall ensure that the telephone line is accessible from all coin-operated telephones in this state by both the use of coins and the use of a telephone credit card.

(3) A state agency that provides an emergency information service by telephone may establish charges to recover the cost of those services. However, an agency charging for the service shall not price it at a profit to create excess revenue for the agency. The agency shall do a total cost-benefit analysis of the available methods of providing the service and shall adopt the method that provides the service at the lowest cost to the user and the agency.

(4) "Emergency information services," as used in this section, includes information on road and weather conditions. [1986 c 45 § 1.]

### Chapter 43.19

#### DEPARTMENT OF GENERAL ADMINISTRATION

##### Sections

- 43.19.19052 Initial purchasing and material control policy—Reports—Legislative intent—Agency cooperation.
- 43.19.200 Duty of others in relation to purchases—Emergency purchases—Written notifications.
- 43.19.534 Purchase of articles or products from inmate work programs.
- 43.19.610 Motor vehicle transportation service—Motor transport account—Sources—Disbursements—Earnings.
- 43.19.650 Printing and duplicating management center—Powers and duties.
- 43.19.660 Printing and duplicating management center—Fees and charges—Intent—Report.
- 43.19.680 Implementation of energy conservation and maintenance procedures after walk-through survey—Transmission of results of energy consumption and walk-through surveys—Schedule for technical assistance studies—Schedule for completion of energy conservation measures—Reports—Private investment in energy conservation measures.

**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 financial management 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. [1986 c 158 § 9; 1979 c 151 § 98; 1975-'76 2nd ex.s. c 21 § 6.]

**Severability—1975-'76 2nd ex.s. c 21:** See note following RCW 43.19.180.

**43.19.200 Duty of others in relation to purchases—Emergency purchases—Written notifications.** (1) 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 emergency purchases as provided in subsection (2) of this section.

(2) The authorities, officers, and departments enumerated in subsection (1) of this section may make emergency purchases in response to unforeseen circumstances beyond the control of the agency which present a real, immediate, and extreme threat to the proper performance of essential functions or which may reasonably be expected to result in excessive loss or damage to property, bodily injury, or loss of life. When an emergency purchase is made, the agency head shall submit written notification of the purchase, within three days of the purchase, to the director of general administration.

This notification shall contain a description of the purchase, description of the emergency and the circumstances leading up to the emergency, and an explanation of why the circumstances required an emergency purchase.

(3) 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.

(4) The director of general administration shall submit, on an annual basis, the written notifications required by subsection (2) of this section to the director of financial management. [1986 c 158 § 10; 1984 c 102 § 2; 1971 c 81 § 111; 1965 c 8 § 43.19.200. Prior: 1955 c 285 § 13; prior: 1921 c 7 § 37, part; RRS § 10795, part.]

**Findings**—1984 c 102: "The legislature finds that the emergency purchasing provisions of state law are being more liberally construed than the legislature originally intended. Therefore, the legislature finds that it is necessary to clarify the law as it pertains to emergency purchases and to provide a mechanism for legislative oversight." [1984 c 102 § 1.]

**43.19.534 Purchase of articles or products from inmate work programs.** State agencies and departments shall purchase for their use all articles or products required by the agencies or departments which are produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. These articles and products shall not be purchased from any other source unless, upon application by the department or agency: (1) The department of general administration finds that the articles or products do not meet the reasonable requirements of the agency or department, (2) are not of equal or better quality, or (3) the price of the product or service is higher than that produced by the private sector. [1986 c 94 § 2.]

**43.19.610 Motor vehicle transportation service—Motor transport account—Sources—Disbursements—Earnings.** There is hereby established in 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. All earnings of investments of balances in the motor transport account shall be credited to the general fund.

The state treasurer shall transfer to the general fund two million dollars from the motor transport account on or before June 30, 1987. [1986 c 312 § 902. Prior: 1985 c 405 § 507; 1985 c 57 § 28; 1975 1st ex.s. c 167 § 12.]

**Severability**—1986 c 312: See note following RCW 41.05.040.

**Severability**—1985 c 405: See note following RCW 9.46.100.

**Effective date**—1985 c 57: See note following RCW 15.52.320.

**Severability**—1975 1st ex.s. c 167: See note following RCW 43.19.010.

**43.19.650 Printing and duplicating management center—Powers and duties.** The director of general administration, through the printing and duplicating management center, shall hereafter approve or take such other action as is deemed necessary regarding the purchase or acquisition of any printing, microfilm, or other duplicating equipment, other than typewriters, by any official or agency of the state.

The staff of the printing and duplicating management center shall develop a copier, duplicating, printing, and microfilm plan for the state, shall monitor implementation of the plan, shall recommend any necessary changes in the plan to the director, and shall develop and promulgate status reports to the governor and to the pertinent executive branch agencies. [1986 c 158 § 11; 1977 ex.s. c 86 § 3.]

**Severability**—1977 ex.s. c 86: See note following RCW 43.19.640.

**43.19.660 Printing and duplicating management center—Fees and charges—Intent—Report.** The operation of the printing and duplicating management center shall be financed by the director of the department of general administration from moneys appropriated by the legislature.

The director of the department of general administration shall be responsible for establishing realistic fees to be charged for services rendered by the printing and duplicating management center. The director of financial management shall approve any fees prior to their implementation. All fees and charges collected for services rendered by the printing and duplicating management center shall be deposited in the general fund. It is the intent of RCW 43.19.640 through 43.19.665 that the fees paid by the agencies and the savings experienced from the activities of the printing and duplicating management center shall more than offset the operating costs of the center.

The director of the department of general administration shall, in December of each calendar year, submit a report of all reported savings by each agency for the year to the senate committee on ways and means and the house committee on appropriations. [1986 c 158 § 12; 1979 c 151 § 106; 1977 ex.s. c 86 § 5.]

**Severability**—1977 ex.s. c 86: See note following RCW 43.19.640.

**43.19.680 Implementation of energy conservation and maintenance procedures after walk-through survey—Transmission of results of energy consumption and walk-through surveys—Schedule for technical assistance studies—Schedule for completion of energy conservation measures—Reports—Private investment in energy conservation measures.** (1) Upon completion of each walk-through survey required by RCW 43.19.675, the director of general administration or the agency responsible for the facility if other than the department of

general administration shall implement energy conservation maintenance and operation procedures that may be identified for any state-owned facility. These procedures shall be implemented as soon as possible but not later than twelve months after the walk-through survey.

(2) By December 31, 1981, for the capitol campus the director of general administration, in cooperation with the director of the state energy office, shall prepare and transmit to the governor and the legislature an implementation plan.

(3) By December 31, 1983, for all other state-owned facilities, the director of general administration in cooperation with the director of the state energy office shall prepare and transmit to the governor and the legislature the results of the energy consumption and walk-through surveys and a schedule for the conduct of technical assistance studies. This submission shall contain the energy conservation measures planned for installation during the ensuing biennium. Priority considerations for scheduling technical assistance studies shall include but not be limited to a facility's energy efficiency, responsible agency participation, comparative cost and type of fuels, possibility of outside funding, logistical considerations such as possible need to vacate the facility for installation of energy conservation measures, coordination with other planned facility modifications, and the total cost of a facility modification, including other work which would have to be done as a result of installing energy conservation measures. Energy conservation measure acquisitions and installations shall be scheduled to be twenty-five percent complete by June 30, 1985, or at the end of the capital budget biennium which includes that date, whichever is later, fifty-five percent complete by June 30, 1989, or at the end of the capital budget biennium which includes that date, whichever is later, eighty-five percent complete by June 30, 1993, or at the end of the capital budget biennium which includes that date, whichever is later, and fully complete by June 30, 1995, or at the end of the capital budget biennium which includes that date, whichever is later. Each state agency shall implement energy conservation measures with a payback period of twenty-four months or less that have a positive cash flow in the same biennium.

For each biennium until all measures are installed, the director of general administration shall report to the governor and legislature installation progress, measures planned for installation during the ensuing biennium, and changes, if any, to the technical assistance study schedule. This report shall be submitted by December 31, 1984, or at the end of the following year whichever immediately precedes the capital budget adoption, and every two years thereafter until all measures are installed.

(4) The director of general administration shall adopt rules to facilitate private investment in energy conservation measures for state-owned buildings consistent with state law. [1986 c 325 § 2; 1983 c 313 § 1; 1982 c 48 § 3; 1980 c 172 § 5.]

**Reviser's note:** All changes to RCW 43.19.680 by 1986 c 325 § 2 were vetoed by the governor.

**Findings—1986 c 325:** See note following RCW 43.41.170.

**Budgeting process—Guidelines to ensure agencies implementing energy conservation retain cost savings:** RCW 43.41.170.

**Energy consumption data—Quarterly reports by facilities or agencies:** RCW 43.41.175.

### Chapter 43.20A

## DEPARTMENT OF SOCIAL AND HEALTH SERVICES

#### Sections

43.20A.700 Repealed.

43.20A.710 State employment in the supervision, care, or treatment of children or developmentally disabled persons—  
Investigation of conviction records or pending charges.

**43.20A.700 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**43.20A.710 State employment in the supervision, care, or treatment of children or developmentally disabled persons—Investigation of conviction records or pending charges.** The secretary shall investigate the conviction records or pending charges of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons. The investigation may include an examination of state and national criminal identification data and the child abuse and neglect register established under chapter 26.44 RCW. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose. If necessary, persons may be employed on a conditional basis pending completion of the background investigation. [1986 c 269 § 1.]

*State employment in the supervision, care, or treatment of children or developmentally disabled persons—Rules on background investigation:* RCW 41.06.475.

### Chapter 43.21B

## ENVIRONMENTAL HEARINGS OFFICE— POLLUTION CONTROL HEARINGS BOARD OF THE STATE

#### Sections

43.21B.005 Environmental hearings office created—Composition—Chief executive officer—Staff support.

**43.21B.005 Environmental hearings office created—Composition—Chief executive officer—Staff support.** There is created an environmental hearings office of the state of Washington. The environmental hearings office shall consist of the pollution control hearings board created in RCW 43.21B.010, the forest practices appeals board created in RCW 76.09.210, the shorelines hearings board created in RCW 90.58.170, and the hydraulic appeals board created in RCW

75.20.130. The chairman of the pollution control hearings board shall be the chief executive officer of the environmental hearings office. Membership, powers, functions, and duties of the pollution control hearings board, the forest practices appeals board, the shorelines hearings board, and the hydraulic appeals board shall be as provided by law.

The chief executive officer of the environmental hearings office may appoint, discharge, and fix the compensation of such staff as may be necessary or may contract for required services. Employees of the environmental hearings office shall serve each board at the direction of the chief executive officer of the environmental hearings office. [1986 c 173 § 3; 1979 ex.s. c 47 § 2.]

**Intent—1979 ex.s. c 47:** "It is the intent of the legislature to consolidate administratively the pollution control hearings board, the forest practices appeals board, and the shorelines hearings board into one agency of state government with minimum disturbance to these boards. It is not the intent of the legislature in consolidating these boards to change the existing membership of these boards.

All full-time employees of the pollution control hearings board and the full-time employee of the forest practices appeals board shall be full-time employees of the environmental hearings office without loss of rights. Property and obligations of these boards and the shorelines hearings board shall be property and obligations of the environmental hearings office." [1979 ex.s. c 47 § 1.]

### Chapter 43.21F STATE ENERGY OFFICE

#### Sections

43.21F.900 Repealed.

**43.21F.900 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 43.23 DEPARTMENT OF AGRICULTURE

#### Sections

43.23.035 Powers and duties—State agricultural market development programs and activities.

**43.23.035 Powers and duties—State agricultural market development programs and activities.** The department of agriculture is hereby designated as the agency of state government for the administration and implementation of state agricultural market development programs and activities, both domestic and foreign, 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 commodities of this state in foreign and domestic trade;

(2) To collect, prepare, and analyze foreign and domestic market data;

(3) To establish a program to promote and assist in the marketing of Washington-bred horses: *Provided*, That the department shall present a proposal to the legislature no later than December 1, 1986, that provides for the elimination of all state funding for the program after June 30, 1989;

(4) To encourage and promote the sale of Washington's agricultural commodities and products at the site of their production through the development and dissemination of referral maps and other means;

(5) To encourage and promote those agricultural industries, such as the wine industry, which attract visitors to rural areas in which other agricultural commodities and products are produced and are, or could be, made available for sale;

(6) To encourage and promote the establishment and use of public markets in this state for the sale of Washington's agricultural products;

(7) To maintain close contact with foreign firms and governmental agencies and to act as an effective intermediary between foreign nations and Washington traders;

(8) To publish and disseminate to interested citizens and others information which will aid in carrying out the purposes of chapters 43.23, 15.64, 15.65, and 15.66 RCW;

(9) To encourage and promote the movement of foreign and domestic agricultural goods through the ports of Washington;

(10) To conduct an active program by sending representatives to, or engaging representatives in, foreign countries to promote the state's agricultural commodities and products;

(11) To assist and to make Washington agricultural concerns more aware of the potentials of foreign trade and to encourage production of those commodities that will have high export potential and appeal;

(12) To coordinate the trade promotional activities of appropriate federal, state, and local public agencies, as well as civic organizations; and

(13) To develop a coordinated marketing program with the department of trade and economic development, utilizing existing trade offices and participating in mutual trade missions and activities.

As used in this section, "agricultural commodities" includes products of both terrestrial and aquatic farming. [1986 c 202 § 1; 1985 c 159 § 3.]

**Severability—1986 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." [1986 c 202 § 7.]

**Legislative declaration and intent—1985 c 159:** "The legislature declares that:

(1) Marketing is a dynamic and changing part of Washington agriculture and a vital element in expanding the state economy.

(2) The export of agricultural products produced in Washington state contributes substantial benefits to the economic base of the state, provides a large number of jobs and sizeable tax revenues to state and local governments, provides an important stabilizing effect on prices received by agricultural producers, and contributes to the United States balance of trade.

(3) State government should play a significant role in the development and expansion of markets for Washington grown and processed agricultural and food products.

(4) In order for state government to serve the best interests of agriculture in the area of market development, the role of state government in this area must be clearly defined.

(5) The department of agriculture, the department of commerce and economic development, and the IMPACT center at Washington State University, each possesses its own unique body of knowledge, expertise,

and relationships that, when combined and applied in a logical and cooperative manner, will benefit the agricultural industry and the overall state economy and will provide a powerful force to seek aggressively new domestic and international markets for Washington's agricultural products.

It is the intent of the legislature to establish an organized agricultural market development function within state government with clearly defined areas of responsibility which will be responsive to the state's agricultural and food products industries' needs, without duplicating established private sector marketing efforts." [1985 c 159 § 1.]

### Chapter 43.24

#### DEPARTMENT OF LICENSING

##### Sections

43.24.110 Revocation of licenses—Hearings—Committee—Powers, compensation, travel expenses.

**43.24.110 Revocation of licenses—Hearings—Committee—Powers, compensation, travel expenses.** Whenever there is filed in a matter under the jurisdiction of the director of licensing 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 licensing shall request the governor to appoint, and the governor shall appoint within thirty days of the request, 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. In addition, the governor shall appoint a consumer member of the committee.

The decision of any three members of such committee shall be the decision of the committee.

The appointed members of the committee shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses, in accordance with RCW 43.03.050 and 43.03.060. [1986 c 259 § 149. Prior: 1984 c 287 § 79; 1984 c 279 § 60; 1979 c 158 § 101; 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.]

**Severability—1986 c 259:** See note following RCW 18.130.010.

**Legislative findings—Severability—Effective date—1984 c 287:** See notes following RCW 43.03.220.

**Severability—1984 c 279:** See RCW 18.130.901.

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

### Chapter 43.30

#### DEPARTMENT OF NATURAL RESOURCES

##### Sections

43.30.040 Board of natural resources—Composition.  
43.30.135 Duties of the department.  
43.30.150 Powers and duties of board—Personnel—Advisory committees—Organization—Travel expenses.  
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.

43.30.360 Clarke-McNary fund.  
43.30.370 Cooperative farm forestry funds.  
43.30.380 Recreation advisory committee.

**43.30.040 Board of natural resources—Composition.** The board shall consist of six members: The governor or the governor's designee, the superintendent of public instruction, the commissioner of public lands, the dean of the college of forest resources of the University of Washington, the dean of the college of agriculture of Washington State University, and a representative of those counties that contain state forest lands acquired or transferred under chapter 76.12 RCW.

The county representative shall be selected by the legislative authorities of those counties that contain state forest lands acquired or transferred under chapter 76.12 RCW. In the selection of the county representative, each participating county shall have one vote. The Washington state association of counties shall conduct a meeting for the purpose of making the selection and shall notify the board of the selection. The county representative shall be a duly elected member of a county legislative authority who shall serve a term of four years unless the representative should leave office for any reason. The initial term shall begin on July 1, 1986. [1986 c 227 § 1; 1979 ex.s. c 57 § 9; 1965 c 8 § 43.30.040. Prior: 1957 c 38 § 4.]

**43.30.135 Duties of the department.** (1) The department may:

(a) Inquire into the production, quality, and quantity of second growth timber to ascertain conditions for reforestation; and

(b) Publish information pertaining to forestry and forest products which it considers of benefit to the people of the state.

(2) The department shall:

(a) Collect information through investigation by its employees, on forest lands owned by the state, including:

(i) Condition of the lands;

(ii) Forest fire damage;

(iii) Illegal cutting, trespassing, or thefts; and

(iv) The number of acres and the value of the timber that is cut and removed each year, to determine which state lands are valuable chiefly for growing timber;

(b) Prepare maps of each timbered county showing state land therein; and

(c) Protect state land as much as is practical and feasible from fire, trespass, theft, and the illegal cutting of timber.

(3) When the department considers it to be in the best interest of the state, it may cooperate with any agency of another state, the United States or any agency thereof, the Dominion of Canada or any agency or province thereof, and any county, town, corporation, individual, or Indian tribe within the state of Washington in:

(a) Forest surveys;

(b) Forest studies;

(c) Forest products studies; and



(d) Preparation of plans for the protection, management, and replacement of trees, wood lots, and timber tracts. [1986 c 100 § 50.]

**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 four members. The department and the board shall maintain its principal office at the capitol;

(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. [1986 c 227

§ 2; 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.

**43.30.300 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 campgrounds designated and prepared or approved by the department.

(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. [1986 c 100 § 51; 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.] "Section 1 of this act" consists of the enactment of RCW 43.30.300.

**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.]

*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.*

**43.30.360 Clarke-McNary fund.** The department and Washington State University may each receive funds from the federal government in connection with cooperative work with the United States department of agriculture, authorized by sections 4 and 5 of the Clarke-McNary act of congress, approved June 7, 1924, providing for the procurement, protection, and distribution of forestry seed and plants for the purpose of establishing windbreaks, shelter belts, and farm wood lots and to assist the owners of farms in establishing, improving, and renewing wood lots, shelter belts, and windbreaks; and are authorized to disburse such funds as needed. [1986 c 100 § 46.]

**43.30.370 Cooperative farm forestry funds.** The department and Washington State University may each receive funds from the federal government for cooperative work, as authorized by the cooperative forest management act of congress, approved May 18, 1937, and as

subsequently authorized by any amendments to or substitutions for that act, for all purposes authorized by those acts, and to disburse the funds in cooperation with the federal government in accordance therewith. [1986 c 100 § 47.]

**43.30.380 Recreation advisory committee.** The department of natural resources shall establish a recreation advisory committee, composed of persons having an interest in the recreational use of land managed by the department, to provide advice regarding outdoor recreation needs and the effect of proposed departmental actions on recreational opportunities. [1986 c 206 § 12.]

**Effective date—1986 c 206:** Sec note following RCW 46.09.020.

### Chapter 43.31

#### DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

(Formerly: Department of commerce and economic development)

##### Sections

- 43.31.057 Expansion of market for Washington products—Pamphlet.
- 43.31.059 Trade information services—Support of product marketing and coordinated trade services—Report—Expiration of section.

**43.31.057 Expansion of market for Washington products—Pamphlet.** The department of trade and economic development is directed to develop and promote means to stimulate the expansion of the market for Washington products and shall have the following powers and duties:

(1) To develop a pamphlet for state-wide circulation which will encourage the purchase of items produced in the state of Washington;

(2) To include in the pamphlet a listing of products of Washington companies which individuals can examine when making purchases so they may have the opportunity to select one of those products in support of this program;

(3) To distribute the pamphlets on the broadest possible basis through local offices of state agencies, business organizations, chambers of commerce, or any other means the department deems appropriate;

(4) In carrying out these powers and duties the department shall cooperate and coordinate with other agencies of government and the private sector. [1986 c 183 § 2.]

**Legislative declaration—1986 c 183:** "The legislature declares that:

(1) The development and sale of Washington business products is a vital element in expanding the state economy.

(2) The marketing of items produced in Washington state contributes substantial benefits to the economic base of the state, provides a large number of jobs and sizeable tax revenues to state and local governments, and provides an important stimulation to the economic strength of Washington companies.

(3) State government should play a significant role in the development and expansion of markets for Washington products." [1986 c 183 § 1.]

**Severability—1986 c 183:** "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." [1986 c 183 § 5.]

**43.31.059 Trade information services—Support of product marketing and coordinated trade services—Report—Expiration of section.** The legislature hereby acknowledges the growing importance of trade development services in increasing the promotion and export of Washington products and facilitating trade through the state. It is important for the state to act as a partner to other public and private organizations to provide for a coordinated trade information network for users of trade services.

(1) The department is directed to utilize a sum of up to fifty thousand dollars from the surplus funds in the state trade fair fund, as permitted by RCW 43.31.832, for the purposes of subsection (2) of this section.

(2) The department shall assist in the analysis and development of recommendations to provide for coordinated, accurate, and up-to-date trade information services between users and providers of trade services. A feasibility study shall be conducted of the best and most efficient process available to provide essential trade services to public and private organizations. The department shall encourage private sector involvement and utilize existing resources whenever possible to support product marketing and coordinated trade services.

(3) The department shall report to the legislature by January 1, 1987, on its activities and findings under this section.

(4) This section shall expire on June 30, 1987. [1986 c 183 § 4.]

**Legislative declaration—Severability—1986 c 183:** See notes following RCW 43.31.057.

### Chapter 43.41

#### OFFICE OF FINANCIAL MANAGEMENT

##### Sections

- 43.41.160 State health care cost containment policies.
- 43.41.170 Budgeting process—Guidelines to ensure agencies implementing energy conservation retain cost savings.
- 43.41.175 Energy consumption data—Quarterly reports by facilities or agencies.

**43.41.160 State health care cost containment policies.** (1) It is the purpose of this section to ensure implementation and coordination of chapter 70.14 RCW as well as other legislative and executive policies designed to contain the cost of health care that is purchased or provided by the state. In order to achieve that purpose, the director may:

(a) Establish within the office of financial management a health care cost containment program in cooperation with all state agencies;

(b) Implement lawful health care cost containment policies that have been adopted by the legislature or the governor, including appropriation provisos;

(c) Coordinate the activities of all state agencies with respect to health care cost containment policies;

(d) Study and make recommendations on health care cost containment policies;

(e) Monitor and report on the implementation of health care cost containment policies;

(f) Appoint a health care cost containment technical advisory committee that represents state agencies that are involved in the direct purchase, funding, or provision of health care; and

(g) Engage in other activities necessary to achieve the purposes of this section.

(2) All state agencies shall cooperate with the director in carrying out the purpose of this section. [1986 c 303 § 11.]

**43.41.170 Budgeting process—Guidelines to ensure agencies implementing energy conservation retain cost savings.** In developing the guidelines the office of financial management shall ensure that to the extent possible the budget process shall allow state agencies implementing energy conservation to retain the resulting cost savings for other purposes, including further energy conservation; and. [1986 c 325 § 3.]

**Reviser's note:** Most of this section was vetoed by the governor.

**Findings—1986 c 325:** "The legislature finds that:

(1) Capital investments in energy conservation in buildings can produce significant reductions in energy use, reducing the need to import or extract fossil fuels and lowering the cost of operating buildings.

(2) The state of Washington has an obligation to operate state buildings efficiently and to implement all cost-effective energy conservation measures so that citizens are assured that public funds are spent wisely and so that citizens have an example of the savings possible from energy conservation.

(3) The state has completed energy consumption and walk-through surveys of its buildings and other facilities and has established a schedule for technical assistance studies which is the basis for implementing energy conservation measure installations to meet the milestones in RCW 43.19.680. However, there is uncertainty that the milestones will be met.

(4) The potential savings from energy conservation can be more readily realized by explicitly considering conservation measures and procedures in the state's budgeting and long-range planning process." [1986 c 325 § 1.]

**43.41.175 Energy consumption data—Quarterly reports by facilities or agencies.** The state energy office shall provide the office of financial management with energy consumption data necessary to implement RCW 43.41.170. Facilities or the agencies responsible for them shall report accurate monthly energy consumption and cost figures for all fuels to the state energy office quarterly, including any changes in total space served or facility operations. [1986 c 325 § 4.]

**Findings—1986 c 325:** See note following RCW 43.41.170.

## Chapter 43.43

### WASHINGTON STATE PATROL

#### Sections

43.43.130	Retirement fund created—Membership.
43.43.137	Reestablishment of service credit by former members who are members of the public employees' retirement system—Conditions.
43.43.560	Automatic fingerprint information system—Report.
43.43.565	Automatic fingerprint information system account.
43.43.710	Availability of information.

#### **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) An employee of the Washington state patrol who becomes a member of the retirement system after June 12, 1980, and who has service as a cadet in the patrol training program may make an irrevocable election to transfer the service to the retirement system. Any member upon making such election shall have transferred all existing service credited in a prior public retirement system in this state for periods of employment as a cadet. Transfer of credit under this subsection is contingent on completion of the transfer of funds specified in subsection (3)(b) of this section.

(b) Within sixty days of notification of a member's cadet service transfer as provided in subsection (3)(a) of this section, the department of retirement systems shall transfer the employee's accumulated contributions attributable to the periods of service as a cadet, including accumulated interest.

(4) 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.

(5) An active employee of the Washington state patrol who either became a member of the retirement system prior to June 12, 1980, and who has prior service as a cadet in the public employees' retirement system may

make an irrevocable election to transfer such service to the retirement system within a period ending June 30, 1985, or, if not an active employee on July 1, 1983, within one year of returning to commissioned service, whichever date is later. Any member upon making such election shall have transferred all existing service credited in the public employees' retirement system which constituted service as a cadet together with the employee's contributions plus credited interest. If the employee has withdrawn the employee's contributions, the contributions must be restored to the public employees' retirement system before the transfer of credit can occur and such restoration must be completed within the time limits specified in this subsection for making the elective transfer.

(6) An active employee of the Washington state patrol may establish up to six months' retirement service credit in the state patrol retirement system for any period of employment by the Washington state patrol as a cadet if service credit for such employment was not previously established in the public employees' retirement system, subject to the following:

(a) Certification by the patrol that such employment as a cadet was for the express purpose of receiving on-the-job training required for attendance at the state patrol academy and for becoming a commissioned trooper.

(b) Payment by the member of employee contributions in the amount of seven percent of the total salary paid for each month of service to be established, plus interest at seven percent from the date of the probationary service to the date of payment. This payment shall be made by the member no later than July 1, 1988.

(c) A written waiver by the member of the member's right to ever establish the same service in the public employees' retirement system at any time in the future.

(7) The department of retirement systems shall make the requested transfer subject to the conditions specified in subsection (5) of this section or establish additional credit as provided in subsection (6) of this section. Employee contributions and credited interest transferred shall be credited to the employee's account in the Washington state patrol retirement system. [1986 c 154 § 1; 1983 c 81 § 2; 1980 c 77 § 2; 1965 c 8 § 43.43.130. Prior: 1953 c 262 § 2; 1951 c 140 § 2; 1947 c 250 § 2; Rem. Supp. 1947 § 6362-82.]

**Effective date—1983 c 81:** See note following RCW 43.43.120.

**43.43.137 Reestablishment of service credit by former members who are members of the public employees' retirement system—Conditions.** Former members of the retirement system established under this chapter who are currently members of the retirement system governed by chapter 41.40 RCW are permitted to reestablish service credit with the system subject to the following:

(1) The former member must have separated and withdrawn contributions from the system prior to January 1, 1966, and not returned to membership since that date;

(2) The former member must have been employed by the department of licensing, or its predecessor agency, in

a capacity related to drivers' license examining within thirty days after leaving commissioned status with the state patrol; and

(3) The former member must make payment to the system of the contributions withdrawn with interest at the rate set by the director from the date of withdrawal to the date of repayment. Such payment must be made no later than June 30, 1986. [1986 c 154 § 2.]

*Transfer of reestablished service credit to public employees' retirement system: RCW 41.40.535.*

**43.43.560 Automatic fingerprint information system—Report.** (1) To support criminal justice services in the local communities throughout this state, the state patrol shall develop a plan for and implement an automatic fingerprint information system. In implementing the automatic fingerprint information system, the state patrol shall either purchase or lease the appropriate computer systems. If the state patrol leases a system, the lease agreement shall include purchase options. The state patrol shall procure the most efficient system available.

(2) The state patrol shall report on the automatic fingerprint information system to the legislature no later than January 1, 1987. The report shall include a time line for implementing each stage, a local agency financial participation analysis, a system analysis, a full cost/purchase analysis, a vendor bid evaluation, and a space location analysis that includes a site determination. The state patrol shall coordinate the preparation of this report with the office of financial management. [1986 c 196 § 1.]

**43.43.565 Automatic fingerprint information system account.** (1) The automatic fingerprint information system account is established in the custody of the state treasurer. Moneys in the account may be spent only for the purposes of purchasing or leasing automatic fingerprint information systems after appropriation by the legislature.

(2) Any moneys received by the state from bureau of justice assistance grants shall be deposited in the automatic fingerprint information system account if not inconsistent with the terms of the grant. [1986 c 196 § 2.]

**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 and, for the sole purpose of investigating the cause of fires under RCW 48.48.060(2) where the cause is suspected to be arson, to the director of community development, through the director of fire protection, upon the filing of an application as provided in RCW 43.43.705.

Dependency record information contained in the files and records of the section shall be considered privileged and shall not be made public. Dependency record information may be disclosed as authorized by this chapter or may be disclosed to the same extent that information regarding dependency proceedings may generally be disclosed, as authorized by applicable laws or court rules.

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. [1986 c 266 § 87; 1985 c 201 § 9; 1979 ex.s. c 36 § 7. Prior: 1977 ex.s. c 314 § 15; 1977 ex.s. c 30 § 1; 1972 ex.s. c 152 § 3.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

### Chapter 43.51

#### PARKS AND RECREATION COMMISSION

##### Sections

43.51.055	Senior citizen's pass—Disability pass—Veteran's disability pass—Eligibility.
43.51.300	Winter recreational area parking permit—Fee—Expiration.
43.51.340	Winter recreation advisory committee—Members—Qualifications—Terms—Travel expenses—Meetings—Chairman—Secretary—Expiration.

**43.51.055 Senior citizen's pass—Disability pass—Veteran's disability pass—Eligibility.** (1) The commission shall grant to any person who meets the eligibility requirements specified in this section a senior citizen's pass which shall (a) entitle such person, and members of his camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission, and (b) entitle such person to free admission to any state park.

(2) The commission shall grant a senior citizen's pass to any person who applies for the same and who meets the following requirements:

(a) The person is at least sixty-two years of age; and

(b) The person is a domiciliary of the state of Washington and meets reasonable residency requirements prescribed by the commission; and

(c) The person and his or her spouse have a combined income which would qualify the person for a property tax exemption pursuant to RCW 84.36.381, as now law or hereafter amended. The financial eligibility requirements of this subparagraph (c) shall apply regardless of whether the applicant for a senior citizen's pass owns taxable property or has obtained or applied for such property tax exemption.

(3) Each senior citizen's pass granted pursuant to this section shall, unless renewed, expire on January 1 of the next year following the year in which it was issued. Any application for renewal of a senior citizen's pass shall, for purposes of the financial eligibility requirements of this section, be treated as an original application.

(4) Any resident of Washington who is disabled as defined by the social security administration and who

receives social security benefits for that disability, or any other benefits for that disability from any other governmental or nongovernmental source, or who is entitled to benefits for permanent disability under RCW 71.20.016 and 72.33.020 due to unemployability full time at the minimum wage, or who is legally blind or profoundly deaf, or who has been issued a card, decal, or special license plate for a permanent disability under RCW 46.16.381 shall be entitled to receive, regardless of age and upon making application therefor, a disability pass at no cost to the holder. The pass shall (a) entitle such person, and members of his camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission, and (b) entitle such person to free admission to any state park.

(5) A card, decal, or special license plate issued for a permanent disability under RCW 46.16.381 may serve as a pass for the holder to entitle that person and members of the person's camping unit to a fifty percent reduction in the campsite rental fee prescribed by the commission, and to allow the holder free admission to state parks.

(6) Any resident of Washington who is a veteran and has a service-connected disability of at least thirty percent shall be entitled to receive a lifetime veteran's disability pass at no cost to the holder. The pass shall (a) entitle such person, and members of his camping unit, to free use of any campsite within any state park, and (b) entitle such person to free admission to any state park.

(7) All passes issued pursuant to this section shall be valid at all parks any time during the year: *Provided*, That the pass shall not be valid for admission to concessionaire operated facilities.

(8) This section shall not affect or otherwise impair the power of the commission to continue or discontinue any other programs it has adopted for senior citizens.

(9) The commission shall adopt such rules and regulations as it finds appropriate for the administration of this section. Among other things, such rules and regulations shall prescribe a definition of "camping unit" which will authorize a reasonable number of persons traveling with the person having a pass to stay at the campsite rented by such person, a minimum Washington residency requirement for applicants for a senior citizen's pass and an application form to be completed by applicants for a senior citizen's pass. [1986 c 6 § 1; 1985 c 182 § 1; 1979 ex.s. c 131 § 1; 1977 ex.s. c 330 § 1.]

**43.51.300 Winter recreational area parking permit—Fee—Expiration.** 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 determined by the commission after consultation with the winter recreation advisory committee. If the person making application therefor is also the owner of a snowmobile registered pursuant to chapter 46.10 RCW, 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. [1986 c 47 § 1; 1982 c 11 § 2; 1975 1st ex.s. c 209 § 2.]

**Severability**—1975 1st ex.s. c 209: See note following RCW 43.51.290.

**43.51.340 Winter recreation advisory committee—Members—Qualifications—Terms—Travel expenses—Meetings—Chairman—Secretary—Expiration.** (1) There is created a winter recreation advisory committee to advise the parks and recreation commission in the administration of this chapter and to assist and advise the commission in the development of winter recreation facilities and programs.

(2) The committee shall consist of:

(a) Six representatives of the nonsnowmobiling winter recreation public appointed by the commission, including a resident of each of the six geographical areas of this state where nonsnowmobiling winter recreation activity occurs, as defined by the commission.

(b) Three representatives of the snowmobiling public appointed by the commission.

(c) One representative of the department of natural resources, one representative of the department of game, and one representative of the Washington state association of counties, each of whom shall be appointed by the director of the particular department or association.

(3) The terms of the members appointed under subsection (2) (a) and (b) of this section shall begin on October 1 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 for the remainder of the unexpired term: *Provided*, That the first of these members shall be appointed for terms as follows: Three members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed for three years.

(4) Members of the committee appointed under subsection (2) (a) and (b) of this section shall be reimbursed from the winter recreational program account created by RCW 43.51.310 for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.

(5) The committee shall meet at times and places it determines not less than twice each year and additionally as required by the committee chairman or by majority vote of the committee. The chairman of the committee shall be chosen under rules adopted by the committee. The committee shall adopt any other rules necessary to govern its proceedings.

(6) The director of parks and recreation or the director's designee shall serve as secretary to the committee and shall be a nonvoting member.

(7) The winter recreation advisory committee and its powers and duties shall terminate on June 30, 1991. [1986 c 47 § 2; 1982 c 11 § 6; 1975 1st ex.s. c 209 § 8.]

**Severability**—1975 1st ex.s. c 209: See note following RCW 43.51.290.

## Chapter 43.52 OPERATING AGENCIES

### Sections

43.52.378	Executive board—Appointment of administrative auditor—Retention of firm for performance audits—Duties of auditor and firm—Reports.
43.52.510	Quarterly report—Filing.
43.52.618	Sealed bids for contracts required—Exceptions—Certification.

### **43.52.378 Executive board—Appointment of administrative auditor—Retention of firm for performance audits—Duties of auditor and firm—Reports.**

The executive board of any operating agency constructing, operating, terminating, or decommissioning a nuclear power plant under a site certification agreement issued pursuant to chapter 80.50 RCW shall appoint an administrative auditor. The administrative auditor shall be deemed an officer under chapter 42.23 RCW. The appointment of the administrative auditor shall be in addition to the appointment of the auditor for the issuance of warrants and other purposes as provided in RCW 43.52.375. The executive board shall retain a qualified firm or firms to conduct performance audits which is in fact independent and does not have any interest, direct or indirect, in any contract with the operating agency other than its employment hereunder. No member or employee of any such firm shall be connected with the operating agency as an officer, employee, or contractor. The administrative auditor and the firm or firms shall be independently and directly responsible to the executive board of the operating agency. The executive board shall require a firm to conduct continuing audits of the methods, procedures and organization used by the operating agency to control costs, schedules, productivity, contract amendments, project design and any other topics deemed desirable by the executive board. The executive board may also require a firm to analyze particular technical aspects of the operating agency's projects and contract amendments. The firm or firms shall provide advice to the executive board in its management and control of the operating agency. At least once each year, the firm or firms shall prepare and furnish a report of its actions and recommendations to the executive board for the purpose of enabling it to attain the highest degree of efficiency in the management and control of any thermal power project under construction or in operation. The administrative auditor shall assist the firm or firms in the performance of its duties. The administrative auditor and the firm or firms shall consult regularly with the executive board and furnish any information or data to the executive board which the administrative auditor, firm, or executive board deems helpful in accomplishing the purpose above stated. The administrative auditor shall perform such other duties as the executive board shall prescribe to accomplish the purposes of this section.

The operating agency shall file a copy of each firm's reports, prepared in accordance with this section, with the respective chairmen of the senate and house energy and utilities committees in a timely manner. Upon the

concurrent request of the chairmen of the senate or house energy and utilities committees, the operating agency shall report to the committees on a quarterly basis. [1986 c 158 § 13; 1982 1st ex.s. c 43 § 8; 1981 1st ex.s. c 3 § 4; 1979 ex.s. c 220 § 1.]

**Severability—Savings—1982 1st ex.s. c 43:** See notes following RCW 43.52.374.

**43.52.510 Quarterly report—Filing.** The administrative auditor shall file with the executive board or executive committee of the operating agency a quarterly report relating to compliance by the operating agency with RCW 43.52.490 through 43.52.505. The administrative auditor shall also file copies of the report with the respective chairpersons of the energy and utilities committees of the senate and house of representatives under RCW 43.52.378. [1986 c 158 § 14; 1981 c 173 § 5.]

**Expiration—Severability—1981 c 173:** See notes following RCW 43.52.495.

**43.52.618 Sealed bids for contracts required—Exceptions—Certification.** (1) Except as provided otherwise in this chapter, a joint operating agency shall purchase any item or items of materials, equipment or supplies, the estimated cost of which is in excess of five thousand dollars exclusive of sales tax, or order work for construction of generating projects and associated facilities, the estimated cost of which is in excess of ten thousand dollars exclusive of sales tax, by contract in accordance with RCW 54.04.070 and 54.04.080, which require sealed bids for contracts.

(2) When a joint operating agency chooses to use one or more of the exceptions to sealed bid contracting specified in this chapter, the agency shall certify to the senate and house committees on energy and utilities in writing within thirty days after the contract is signed, that such contract is in the public interest, state the reason or reasons why, and indicate the estimated cost savings or schedule improvement to the project compared to contracting for the same material, supplies, equipment or work through completion of work as contracted, including termination costs, or through sealed bids. [1986 c 158 § 15; 1982 1st ex.s. c 44 § 7.]

**Expiration—Severability—1982 1st ex.s. c 44:** See RCW 43.52.621 and note following.

## Chapter 43.63A

### DEPARTMENT OF COMMUNITY DEVELOPMENT

#### Sections

43.63A.020	Definitions.
43.63A.065	Functions and responsibilities of department.
43.63A.067	Early childhood assistance programs, department's duties.
43.63A.300	State fire protection services—Intent.
43.63A.310	State fire protection policy board—Created—Members.
43.63A.320	State fire protection policy board—Duties.
43.63A.330	State fire protection policy board—Advisory duties.
43.63A.340	Director of fire protection—Appointment—Duties.
43.63A.350	Fire service training program—Grants and bequests.
43.63A.360	Fire service training—Fees and fee schedules.

43.63A.370 Fire service training account.

**43.63A.020 Definitions.** For the purposes of this chapter and unless the context shall clearly indicate otherwise:

(1) "Department" means the department of community development.

(2) "Director" means the director of community development.

(3) "Board" means the state fire protection policy board created under RCW 43.63A.310. [1986 c 266 § 136; 1984 c 125 § 2; 1967 c 74 § 2.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**Effective date—1967 c 74:** "This act shall take effect on July 1, 1967." [1967 c 74 § 15.]

**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.]

**43.63A.065 Functions and responsibilities of department.** The department shall have the following functions and responsibilities:

(1) Cooperate with and provide technical and financial assistance to the local governments and to the local agencies serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state.

(2) Administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

(3) Administer community services programs through private, nonprofit organizations and units of general purpose local government; these programs are directed to the poor and infirm and include community-based efforts to foster self-sufficiency and self-reliance, energy assistance programs, head start, and weatherization.

(4) Study issues affecting the structure, operation, and financing of local government as well as those state activities which involve relations with local government and report the results and recommendations to the governor, legislature, local government, and citizens of the state.

(5) Assist the governor in coordinating the activities of state agencies which have an impact on local governments and communities.

(6) Provide technical assistance to the governor and the legislature on community development policies for the state.

(7) Assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for low and moderate income persons, and qualify as a participating state agency for all programs of the Department of Housing and Urban Development or its successor.

(8) Support and coordinate local efforts to promote volunteer activities throughout the state.

(9) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states or their subdivisions.

(10) Hold public hearings and meetings to carry out the purposes of this chapter.

(11) Provide a comprehensive state-level focus for state fire protection services, funding, and policy.

(12) Administer a program to identify, evaluate, and protect properties which reflect outstanding elements of the state's cultural heritage.

(13) Coordinate a comprehensive state program for mitigating, preparing for, responding to, and recovering from emergencies and disasters. [1986 c 266 § 137; 1984 c 125 § 5.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

*Duties of department relating to*

*archaeology and historic preservation: Chapter 27.34 RCW.*

*emergency management: Chapter 38.52 RCW.*

*fire protection: Chapter 48.48 RCW.*

**43.63A.067 Early childhood assistance programs, department's duties.** See chapter 28A.34A RCW.

**43.63A.300 State fire protection services—Intent.**

The legislature finds that fire protection services at the state level are provided by different, independent state agencies. This has resulted in a lack of a comprehensive state-level focus for state fire protection services, funding, and policy. It is the intent of the legislature to consolidate fire protection services into a single state agency and to create a state board with the responsibility of (1) establishing a comprehensive state policy regarding fire protection services and (2) advising the director of community development and the director of fire protection on matters relating to their duties under state law. It is also the intent of the legislature that the fire protection services program created herein will assist local fire protection agencies in program development without encroaching upon their historic autonomy. [1986 c 266 § 54.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

*State fire protection: Chapter 48.48 RCW.*

**43.63A.310 State fire protection policy board—Created—Members.** There is created the state fire protection policy board consisting of ten members appointed by the governor:

(1) Three representatives of fire chiefs. At least one shall be from a fire department east of the Cascade mountains and at least one shall be from a fire department west of the Cascade mountains. One shall be from a fire protection district;

(2) One insurance industry representative;

(3) One representative of cities and towns;

(4) One representative of counties;

(5) Two full-time, paid, career fire fighters;

(6) One volunteer fire fighter; and

(7) One representative of fire commissioners.

In making the appointments required under subsections (1) through (7) of this section, the governor shall (a) seek the advice of and consult with organizations involved in fire protection; and (b) ensure that racial minorities, women, and persons with disabilities are represented.

The terms of the appointed members of the board shall be three years and until a successor is appointed and qualified. However, initial board members shall be appointed as follows: Three members to terms of one year, three members to terms of two years, and four members to terms of three years. In the case of a vacancy of a member appointed under subsections (1) through (7) of this section, the governor shall appoint a new representative to fill the unexpired term of the member whose office has become vacant. A vacancy shall occur whenever an appointed member ceases to be employed in the occupation the member was appointed to represent.

The appointed members of the board shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

The board shall select its own chairperson and shall meet at the request of the governor or the chairperson and at least four times per year. [1986 c 266 § 55.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**43.63A.320 State fire protection policy board—**

**Duties.** Except for matters relating to the statutory duties of the director of community development which are to be carried out through the director of fire protection, the board shall have the responsibility of developing a comprehensive state policy regarding fire protection services. In carrying out its duties, the board shall:

(1) Adopt a state fire protection master plan;

(2) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens;

(3) Establish and promote state arson control programs and ensure development of local arson control programs;

(4) Provide representation for local fire protection services to the governor in state-level fire protection planning matters such as, but not limited to, hazardous materials;

(5) Seek and solicit grants, gifts, bequests, devices, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;

(6) Promote mutual aid and disaster planning for fire services in this state;

(7) Assure the dissemination of information concerning the amount of fire damage including that damage caused by arson, and its causes and prevention;

(8) Submit annually a report to the governor containing a statement of its official acts pursuant to this chapter, and make such studies, reports, and recommendations to the governor and the legislature as are requested;

(9) Adopt a state fire training and education master plan;

(10) Develop and adopt a master plan for the construction, equipping, maintaining, and operation of necessary fire service training and education facilities, but the authority to construct, equip, and maintain such facilities is subject to chapter 43.19 RCW;



(11) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary to establish and operate fire service training and education facilities in a manner provided by law;

(12) Adopt standards for state-wide fire service training and education courses including courses in arson detection and investigation for personnel of fire, police, and prosecutor's departments;

(13) Assure the administration of any legislation enacted by the legislature in pursuance of the aims and purposes of any acts of Congress insofar as the provisions thereof may apply;

(14) Cooperate with the common schools, community colleges, institutions of higher education, and any department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of Congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities.

This section does not apply to forest fire service personnel and programs. Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule. [1986 c 266 § 56.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**43.63A.330 State fire protection policy board—Advisory duties.** In regards to the statutory duties of the director of community development which are to be carried out through the director of fire protection, the board shall serve in an advisory capacity in order to enhance the continuity of state fire protection services. In this capacity, the board shall:

(1) Advise the director of community development and the director of fire protection on matters pertaining to their duties under law; and

(2) Advise the director of community development and the director of fire protection on all budgeting and fiscal matters pertaining to the duties of the director of fire protection and the board. [1986 c 266 § 57.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**43.63A.340 Director of fire protection—Appointment—Duties.** (1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.

(2) The director of community development shall appoint an assistant director who shall be known as the director of fire protection. The board, after consulting with the director, shall prescribe qualifications for the position of director of fire protection. The board shall submit to the director a list containing the names of three persons whom the board believes meet its qualifications. If requested by the director, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment

shall be from one of the lists of persons submitted by the board.

(3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.

(4) The director of community development, through the director of fire protection, shall, after consultation with the board, prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the department's budget request.

(5) The director of community development, through the director of fire protection, shall implement and administer, within the constraints established by budgeted resources, the policies of the board and all duties of the director of community development which are to be carried out through the director of fire protection.

(6) The director of community development, through the director of fire protection, shall seek the advice of the board in carrying out his or her duties under law. [1986 c 266 § 58.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**43.63A.350 Fire service training program—Grants and bequests.** The department may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the fire service training program established in RCW 43.63A.320. [1986 c 266 § 59.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**43.63A.360 Fire service training—Fees and fee schedules.** The department may: (1) Impose and collect fees for fire service training; and (2) establish and set fee schedules for fire service training. [1986 c 266 § 60.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**43.63A.370 Fire service training account.** The fire service training account is hereby established in the state treasury. The department shall deposit in the account all fees received by the department for fire service training. Moneys in the account may be appropriated only for fire service training. [1986 c 266 § 61.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

## Chapter 43.79 STATE FUNDS

### Sections

43.79.445 Death investigations account—Earnings—Disbursal.

**43.79.445 Death investigations account—Earnings—Disbursal.** There is established an account in

the state treasury referred to as the "death investigations' account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in section 20, chapter 16, Laws of 1983 1st ex. sess. and any moneys appropriated or otherwise provided thereafter. All earnings of investments of balances in the death investigations' account shall be credited to the general fund.

Moneys in the death investigations' account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The above-mentioned entities and individuals may submit billings to the state treasurer prior to December 31. The University of Washington may also submit billings for amounts not to exceed thirty-five thousand dollars per twelve-month period for the fellowship program in forensic pathology under RCW 28B.20.426 and the state treasurer shall make such payments for the fellowship program in forensic pathology under RCW 28B.20.426. [1986 c 31 § 2; 1985 c 57 § 41; 1983 1st ex.s. c 16 § 18.]

**Effective date—1986 c 31:** See note following RCW 28B.20.426.

**Effective date—1985 c 57:** See note following RCW 15.52.320.

**Severability—Effective date—1983 1st ex.s. c 16:** See RCW 43.103.900 and 43.103.901.

### Chapter 43.88

## STATE BUDGETING, ACCOUNTING, AND REPORTING SYSTEM

(Formerly: Budget and accounting)

#### Sections

43.88.010	Purpose—Intent.
43.88.020	Definitions.
43.88.030	Instructions for submitting budget requests—Content of the budget document or documents—Separate budget document or schedules—Changes.
43.88.085	Appropriations for postretirement cost-of-living adjustments.
43.88.110	Expenditure programs—Allotments—Reserves.
43.88.111	Repealed.
43.88.112	Repealed.
43.88.160	Fiscal management—Powers and duties of officers and agencies.
43.88.210	Transfer of certain powers and duties.
43.88.899	Intent—Periodic review.

**43.88.010 Purpose—Intent.** It is the purpose of this chapter to establish an effective state budgeting, accounting, and reporting system for all activities of the state government, including both capital and operating expenditures; 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. [1986 c 215 § 1; 1981 c 270 § 1; 1973 1st ex.s. c 100 § 1; 1965 c 8 § 43.88.010. Prior: 1959 c 328 § 1.]

**Effective date—1981 c 270:** "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, 1981." [1981 c 270 § 18.]

**Severability—1981 c 270:** "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." [1981 c 270 § 17.]

**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 financial 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 financial management shall be head of the office of financial 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, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(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 during an odd-numbered year 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.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the legislative budget committee, the legislative evaluation and accountability program committee, the ways and means committees of the senate and house of representatives, and, where appropriate, the legislative transportation committee.

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "Stabilization account" means the budget stabilization account created under RCW 43.88.525 as an account in the general fund of the state treasury.

(18) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(19) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(20) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(21) "Estimated revenues" means estimates of revenue in the most recent official economic and revenue forecast prepared under RCW 82.01.120.

(22) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(23) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(24) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended. [1986 c 215 § 2; 1984 c 138 § 6; 1982 1st ex.s. c 36 § 1. Prior: 1981 c 280 § 6; 1981 c 270 § 2; 1980 c 87 § 25; 1979 c

151 § 135; 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.]

**Effective date—Severability—1981 c 280:** See notes following RCW 43.88.520.

**Effective date—Severability—1981 c 270:** See notes following RCW 43.88.010.

*Office of financial management: Chapter 43.41 RCW.*

**43.88.030 Instructions for submitting budget requests—Content of the budget document or documents—Separate budget document or schedules—**

**Changes.** (1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. 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 set forth a proposal for expenditures in the ensuing fiscal period based upon the estimated revenues as approved by the economic and revenue forecast council for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document. However, the estimated revenues for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue estimates dependent upon budgetary assumptions of enrollments, workloads, and case-loads. All adjustments to the approved estimated revenues must be set forth in the budget document. The governor may additionally submit, as an appendix to each agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

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; and

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury.

(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 or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during 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 evaluation and accountability program committee if the legislature is not in session. [1986 c 215 § 3; 1986 c 112 § 1; 1984 c 138 § 7; 1981 c 270 § 3; 1980 c 87 § 26; 1977 ex.s. c 247 § 1; 1973 1st

ex.s. c 100 § 3; 1965 c 8 § 43.88.030. Prior: 1959 c 328 § 3.]

**Reviser's note:** This section was amended by 1986 c 112 § 1 and by 1986 c 215 § 3, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective date—Severability—1981 c 270:** See notes following RCW 43.88.010.

**43.88.085 Appropriations for postretirement cost-of-living adjustments.** The omnibus biennial operating appropriations act shall include an appropriation for the full amount that will be paid out during the biennium under any postretirement cost-of-living adjustment adopted after July 1, 1986. [1986 c 306 § 1.]

**Effective date—1986 c 306:** "This act shall take effect on July 1, 1986." [1986 c 306 § 5.]

**43.88.110 Expenditure programs—Allotments—Reserves.** This section sets forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds. Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

(1) The director of financial management shall provide all agencies with a complete set of instructions for preparing a statement of proposed expenditures at least thirty days before the beginning of a fiscal period. The set of instructions need not include specific appropriation amounts for the agency.

(2) Within forty-five days after the beginning of the fiscal period or within forty-five days after the governor signs the omnibus biennial appropriations act, whichever is later, all agencies shall submit to the governor a statement of proposed expenditures at such times and in such form as may be required by the governor. If at any time during the fiscal period the governor shall ascertain that estimated revenues for the applicable period will be less than the respective appropriations, the governor shall make across-the-board reductions in allotments so as to prevent the making of expenditures in excess of estimated revenues. Except for the legislative and judicial branches and other agencies headed by elective officials, the governor shall review the statement of proposed expenditures for reasonableness and conformance with legislative intent. Once the governor approves the statements of proposed expenditures, further revisions shall be made only at the beginning of the second fiscal year and must be initiated by the governor. However, changes in appropriation level authorized by the legislature, changes required by across-the-board reductions mandated by the governor, and changes caused by executive increases to spending authority may require additional revisions. Revisions shall not be made retroactively. Revisions caused by executive increases to spending authority shall not be made after June 30, 1987. However, the governor may assign to a reserve status any portion of an agency appropriation withheld as part of across-the-board reductions made by the governor and any portion of an agency appropriation conditioned on a contingent event by the appropriations

act. The director of financial management shall enter approved statements of proposed expenditures into the state budgeting, accounting, and reporting system within forty-five days after receipt of the proposed statements from the agencies. If an agency or the director of financial management is unable to meet these requirements, the director of financial management shall provide a timely explanation in writing to the legislative fiscal committees.

(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. Within ninety days of the end of the fiscal year, all agencies shall submit to the director of financial management their final adjustments to close their books for the fiscal year. Prior to submitting fiscal data, written or oral, to committees of the legislature, it is the responsibility of the agency submitting the data to reconcile it with the budget and accounting data reported by the agency to the director of financial management. The director of financial management shall monitor agency expenditures against the approved statement of proposed expenditures and shall provide the legislature with quarterly explanations of major variances.

(4) The director of financial management may exempt certain public funds from the allotment controls established under this chapter if it is not practical or necessary to allot the funds. Allotment control exemptions expire at the end of the fiscal biennium for which they are granted. The director of financial management shall report any exemptions granted under this subsection to the legislative fiscal committees. [1986 c 215 § 4; 1984 c 138 § 8; 1983 1st ex.s. c 47 § 1; 1982 2nd ex.s. c 15 § 1; 1981 c 270 § 5; 1979 c 151 § 138; 1975 1st ex.s. c 293 § 6; 1965 c 8 § 43.88.110. Prior: 1959 c 328 § 11.]

**Severability**—1982 2nd ex.s. c 15: "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." [1982 2nd ex.s. c 15 § 5.]

**Effective date**—**Severability**—1981 c 270: See notes following RCW 43.88.010.

**43.88.111 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**43.88.112 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**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 financial management. The governor, through the director of financial 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 central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

The director of financial management is responsible for quarterly reporting of primary budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

In addition, the director of financial 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 the director 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. The director 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 the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(e) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

(f) Promulgate regulations to effectuate provisions contained in subsections (a) through (e) 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 the treasurer's supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, 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 financial 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 financial management; and the treasurer shall not be liable under the treasurer's 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 the agency head's 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 the auditor's 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 the auditor's 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 financial management. It shall be the duty of the director of financial 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) 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. [1986 c 215 § 5; 1982 c 10 § 11. Prior: 1981 c 280 § 7; 1981 c 270 § 11; 1979 c 151 § 139; 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 enactment of RCW 44.28.085 and the 1971 amendments to RCW 43.09.050, 43.09.310, and 43.88.160.

**Severability—1982 c 10:** See note following RCW 6.12.100.

**Effective date—Severability—1981 c 280:** See notes following RCW 43.88.520.

**Effective date—Severability—1981 c 270:** See notes following RCW 43.88.010.

**Severability—1971 ex.s. c 170:** See note following RCW 43.09.050.

*Director of financial management: Chapter 43.41 RCW.*

*Legislative budget committee: Chapter 44.28 RCW.*

*Post-audit: RCW 43.09.290 through 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 treasurer, duties: Chapter 43.08 RCW.*

**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 a state budgeting, accounting, and reporting system 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. [1986 c 215 § 6; 1965 c 8 § 43.88.210. Prior: 1959 c 328 § 21.]

**43.88.899 Intent—Periodic review.** The amendments to chapter 43.88 RCW by chapter 215, Laws of 1986 are intended to improve the reporting of state budgeting, accounting, and other fiscal data. The legislative evaluation and accountability program committee

shall periodically review chapter 43.88 RCW and shall recommend further revisions if needed. [1986 c 215 § 8.]

## Chapter 43.88A LEGISLATIVE FISCAL NOTES

### Sections

43.88A.030 Fiscal notes—Distribution.

**43.88A.030 Fiscal notes—Distribution.** When a fiscal note is prepared and approved as to form, accuracy, and completeness by the office of financial management, which depicts the expected fiscal impact of a bill or resolution, copies shall be filed immediately with:

(1) The chairperson of the committee to which the bill or resolution was referred upon introduction in the house of origin;

(2) The senate committee on ways and means, or its successor; and

(3) The house committees on revenue and appropriations, or their successors.

Whenever possible, such fiscal note shall be provided prior to or at the time the bill or resolution is first heard by the committee of reference in the house of origin.

When a fiscal note has been prepared for a bill or resolution, a copy of the fiscal note shall be placed in the bill books or otherwise attached to the bill or resolution and shall remain with the bill or resolution throughout the legislative process insofar as possible. [1986 c 158 § 16; 1979 ex.s. c 112 § 1; 1979 c 151 § 147; 1977 ex.s. c 25 § 3.]

## Chapter 43.99G BONDS FOR CAPITAL PROJECTS

### Sections

43.99G.020 Conditions and limitations—Deposit of proceeds—Administration.

**43.99G.020 Conditions and limitations—Deposit of proceeds—Administration.** Bonds issued under RCW 43.99G.010 are subject to the following conditions and limitations:

(1) General obligation bonds of the state of Washington in the sum of thirty-eight million fifty-four thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for grants and loans to local governments and subdivisions of the state for capital projects through the community economic revitalization board and for the department of general administration, military department, parks and recreation commission, and department of corrections to acquire real property and perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement

agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of general administration, subject to legislative appropriation.

(2) General obligation bonds of the state of Washington in the sum of four million six hundred thirty-five thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the planning, design, acquisition, construction, and improvement of a Washington state agricultural trade center, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered as provided in the capital budget acts, subject to legislative appropriation.

(3) General obligation bonds of the state of Washington in the sum of thirty-eight million seven hundred sixty-two thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the department of social and health services and the department of corrections to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, and grounds, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the social and health services construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of social and health services, subject to legislative appropriation.

(4) General obligation bonds of the state of Washington in the sum of three million two hundred thirty thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the department of ecology, parks and recreation commission, department of fisheries, department of game, and the department of natural resources to acquire real property and perform capital projects which

consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the outdoor recreation account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the interagency committee for outdoor recreation, subject to legislative appropriation.

(5) General obligation bonds of the state of Washington in the sum of three million three hundred fifty-nine thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the department of fisheries to acquire real property and perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the fisheries capital projects account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of fisheries, subject to legislative appropriation.

(6) General obligation bonds of the state of Washington in the sum of fifty-nine million six hundred thirty thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for state agencies and the institutions of higher education, including the community colleges, to perform capital renewal projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state facilities renewal account hereby created in the state treasury, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for



the purposes of this subsection, and shall be administered as provided in the capital budget acts, subject to legislative appropriation.

(7) General obligation bonds of the state of Washington in the sum of twenty-three million six hundred forty-three thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the University of Washington and the state community colleges to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, improving, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the higher education reimbursable short-term bond account hereby created in the state treasury, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the University of Washington, subject to legislative appropriation.

(8) General obligation bonds of the state of Washington in the sum of thirty-three million nine hundred twenty-eight thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the institutions of higher education to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the higher education construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by Washington State University, subject to legislative appropriation.

(9) General obligation bonds of the state of Washington in the sum of eighty million six hundred ten thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the institutions of higher education, including facilities for the community college system, to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of

the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection, 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 higher education construction account in the state treasury and shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection. [1986 c 103 § 1; 1985 ex.s. c 4 § 2.]

### Chapter 43.101

## CRIMINAL JUSTICE TRAINING COMMISSION—EDUCATION AND TRAINING STANDARDS BOARDS

#### Sections

43.101.850 Repealed.

**43.101.850 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 43.105

## DATA PROCESSING AND COMMUNICATIONS SYSTEMS

#### Sections

43.105.014 Exemptions.  
43.105.016 Legislative intent.  
43.105.045 Executive director—Responsibility—Staff—Salary. (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.)

**43.105.014 Exemptions.** The senate, the house of representatives, legislative agencies, and the statute law committee are exempt from the provisions of this chapter. However, the authority may provide its services to the senate, the house of representatives, legislative agencies, or the statute law committee at the request of the systems committee created by RCW 44.68.010. [1986 c 61 § 10.]

**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. [1986 c 158 § 17; 1973 1st ex.s. c 219 § 2.]

**43.105.045 Executive director—Responsibility—Staff—Salary.** (Effective January 1, 1987, if proposed constitutional amendment is approved by the voters at the November, 1986, general election.) 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 agency officials' salaries. [1986 c 155 § 13; 1973 1st ex.s. c 219 § 8.]

**Contingent effective date—Severability—1986 c 155:** See notes following RCW 43.03.300.

### Chapter 43.131

#### WASHINGTON SUNSET ACT OF 1977

##### Sections

- 43.131.189 through 43.131.214 Repealed.
- 43.131.215 Washington state commission on Asian–American affairs—Termination.
- 43.131.216 Washington state commission on Asian–American affairs—Repeal.
- 43.131.221 Repealed.
- 43.131.222 Repealed.
- 43.131.269 Public disclosure commission—Termination.
- 43.131.270 Public disclosure commission—Repeal.
- 43.131.273 through 43.131.276 Repealed.
- 43.131.291 Repealed.
- 43.131.292 Repealed.
- 43.131.301 Nursing home advisory council—Termination.
- 43.131.302 Nursing home advisory council—Repeal.
- 43.131.303 Emergency medical services committee—Termination.
- 43.131.304 Emergency medical services committee—Repeal.
- 43.131.305 through 43.131.307 Repealed.
- 43.131.311 through 43.131.314 Repealed.
- 43.131.319 Washington council for the prevention of child abuse and neglect—Termination.
- 43.131.320 Washington council for the prevention of child abuse and neglect—Repeal.
- 43.131.323 Examining board of psychology—Termination.

*Recreational water contact facility advisory committee—Termination June 30, 1990: RCW 70.90.902.*

**43.131.189 through 43.131.214 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**43.131.215 Washington state commission on Asian–American affairs—Termination.** The Washington state commission on Asian–American affairs and its powers and duties shall be terminated on June 30, 1989, as provided in RCW 43.131.216. [1986 c 270 § 1; 1983 c 119 § 3; 1979 c 99 § 34.]

**Effective date—1983 c 119:** See note following RCW 43.117.010.

**43.131.216 Washington state commission on Asian–American affairs—Repeal.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1990:

(1) Section 1, chapter 140, Laws of 1974 ex. sess., section 1, chapter 119, Laws of 1983 and RCW 43.117.010;

(2) Section 2, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.020;

(3) Section 3, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.030;

(4) Section 4, chapter 140, Laws of 1974 ex. sess., section 131, chapter 34, Laws of 1975–'76 2nd ex. sess., section 1, chapter 68, Laws of 1982 and RCW 43.117.040;

(5) Section 5, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.050;

(6) Section 6, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.060;

(7) Section 7, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.070;

(8) Section 8, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.080;

(9) Section 9, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.090;

(10) Section 10, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.100;

(11) Section 11, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.900; and

(12) Section 14, chapter 140, Laws of 1974 ex. sess., section 1, chapter 297, Laws of 1977 ex. sess., section 2, chapter 119, Laws of 1983 and RCW 43.117.910. [1986 c 270 § 2; 1983 c 119 § 4; 1979 c 99 § 76.]

**Effective date—1983 c 119:** See note following RCW 43.117.010.

**43.131.221 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**43.131.222 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**43.131.269 Public disclosure commission—Termination.** The public disclosure commission and its powers and duties shall be terminated on June 30, 1992, as provided in RCW 43.131.270. [1986 c 272 § 1; 1983 c 197 § 8.]

**43.131.270 Public disclosure commission—Repeal.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1993:

(1) Section 1, chapter 1, Laws of 1973, section 1, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.010;

(2) Section 3, chapter 1, Laws of 1973, section 2, chapter 313, Laws of 1977 ex. sess., section 2, chapter 367, Laws of 1985 and RCW 42.17.030;

(3) Section 4, chapter 1, Laws of 1973, section 3, chapter 294, Laws of 1975 1st ex. sess., section 1, chapter 336, Laws of 1977 ex. sess., section 1, chapter 147, Laws of 1982 and RCW 42.17.040;

(4) Section 5, chapter 1, Laws of 1973, section 2, chapter 147, Laws of 1982, section 3, chapter 367, Laws of 1985 and RCW 42.17.050;

(5) Section 6, chapter 1, Laws of 1973, section 4, chapter 294, Laws of 1975 1st ex. sess., section 3, chapter 313, Laws of 1977 ex. sess., section 3, chapter 147, Laws of 1982, section 4, chapter 367, Laws of 1985 and RCW 42.17.060;

(6) Section 5, chapter 294, Laws of 1975 1st ex. sess., section 4, chapter 147, Laws of 1982 and RCW 42.17.065;

(7) Section 9, chapter 112, Laws of 1975-'76 2nd ex. sess., section 5, chapter 147, Laws of 1982 and RCW 42.17.067;

(8) Section 7, chapter 1, Laws of 1973, section 5, chapter 367, Laws of 1985 and RCW 42.17.070;

(9) Section 8, chapter 1, Laws of 1973, section 6, chapter 294, Laws of 1975 1st ex. sess., section 6, chapter 147, Laws of 1982 and RCW 42.17.080;

(10) Section 9, chapter 1, Laws of 1973, section 7, chapter 294, Laws of 1975 1st ex. sess., section 3, chapter 112, Laws of 1975-'76 2nd ex. sess., section 2, chapter 336, Laws of 1977 ex. sess., section 7, chapter 147, Laws of 1982, section 1, chapter 96, Laws of 1983 and RCW 42.17.090;

(11) Section 3, chapter 336, Laws of 1977 ex. sess., section 8, chapter 147, Laws of 1982 and RCW 42.17.095;

(12) Section 10, chapter 1, Laws of 1973, section 4, chapter 112, Laws of 1975-'76 2nd ex. sess., section 9, chapter 147, Laws of 1982, section 6, chapter 367, Laws of 1985 and RCW 42.17.100;

(13) Section 1, chapter 176, Laws of 1983, section 1, chapter 359, Laws of 1985 and RCW 42.17.105;

(14) Section 11, chapter 1, Laws of 1973, section 5, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.110;

(15) Section 12, chapter 1, Laws of 1973, section 8, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.120;

(16) Section 6, chapter 336, Laws of 1977 ex. sess., section 7, chapter 367, Laws of 1985 and RCW 42.17.125;

(17) Section 15, chapter 1, Laws of 1973, section 10, chapter 147, Laws of 1982 and RCW 42.17.150;

(18) Section 21, chapter 294, Laws of 1975 1st ex. sess., section 11, chapter 147, Laws of 1982, section 8, chapter 367, Laws of 1985 and RCW 42.17.155;

(19) Section 16, chapter 1, Laws of 1973, section 9, chapter 294, Laws of 1975 1st ex. sess., section 4, chapter 313, Laws of 1977 ex. sess., section 12, chapter 147, Laws of 1982 and RCW 42.17.160;

(20) Section 17, chapter 1, Laws of 1973, section 10, chapter 294, Laws of 1975 1st ex. sess., section 5, chapter 313, Laws of 1977 ex. sess., section 13, chapter 147, Laws of 1982, section 9, chapter 367, Laws of 1985 and RCW 42.17.170;

(21) Section 2, chapter 359, Laws of 1985 and RCW 42.17.175;

(22) Section 18, chapter 1, Laws of 1973, section 11, chapter 294, Laws of 1975 1st ex. sess., section 6, chapter 34, Laws of 1984 and RCW 42.17.180;

(23) Section 19, chapter 1, Laws of 1973, section 12, chapter 294, Laws of 1975 1st ex. sess., section 6, chapter 313, Laws of 1977 ex. sess., section 1, chapter 265, Laws of 1979 ex. sess. and RCW 42.17.190;

(24) Section 20, chapter 1, Laws of 1973, section 10, chapter 367, Laws of 1985 and RCW 42.17.200;

(25) Section 21, chapter 1, Laws of 1973 and RCW 42.17.210;

(26) Section 22, chapter 1, Laws of 1973 and RCW 42.17.220;

(27) Section 23, chapter 1, Laws of 1973, section 14, chapter 147, Laws of 1982 and RCW 42.17.230;

(28) Section 9, chapter 10, Laws of 1982, section 27, chapter 161, Laws of 1983, section 1, chapter 34, Laws of 1984, section 14, chapter 125, Laws of 1984 and RCW 42.17.240;

(29) Section 2, chapter 34, Laws of 1984, section 8, chapter 6, Laws of 1985 and RCW 42.17.2401;

(30) Section 42, chapter 126, Laws of 1979 ex. sess., section 3, chapter 34, Laws of 1984 and RCW 42.17.241;

(31) Section 4, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.242;

(32) Section 5, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.243;

(33) Section 10, chapter 112, Laws of 1975-'76 2nd ex. sess., section 1, chapter 102, Laws of 1981, section 1, chapter 213, Laws of 1983 and RCW 42.17.245;

(34) Section 35, chapter 1, Laws of 1973, section 23, chapter 294, Laws of 1975 1st ex. sess., section 93, chapter 34, Laws of 1975-'76 2nd ex. sess., section 8, chapter 112, Laws of 1975-'76 2nd ex. sess., section 15, chapter 147, Laws of 1982, section 74, chapter 287, Laws of 1984 and RCW 42.17.350;

(35) Section 36, chapter 1, Laws of 1973 and RCW 42.17.360;

(36) Section 37, chapter 1, Laws of 1973, section 25, chapter 294, Laws of 1975 1st ex. sess., section 7, chapter 336, Laws of 1977 ex. sess., section 7, chapter 34, Laws of 1984, section 11, chapter 367, Laws of 1985 and RCW 42.17.370;

(37) Section 1, chapter 294, Laws of 1983 and RCW 42.17.375;

(38) Section 38, chapter 1, Laws of 1973, section 26, chapter 294, Laws of 1975 1st ex. sess., section 196, chapter 35, Laws of 1982 and RCW 42.17.380;

(39) Section 12, chapter 112, Laws of 1975-'76 2nd ex. sess., section 16, chapter 147, Laws of 1982, section 12, chapter 367, Laws of 1985 and RCW 42.17.395;

(40) Section 13, chapter 112, Laws of 1975-'76 2nd ex. sess., section 17, chapter 147, Laws of 1982 and RCW 42.17.397;

(41) Section 1, chapter 60, Laws of 1982, section 13, chapter 367, Laws of 1985 and RCW 42.17.405;

(42) Section 42, chapter 1, Laws of 1973, section 2, chapter 176, Laws of 1983 and RCW 42.17.420;

(43) Section 43, chapter 1, Laws of 1973 and RCW 42.17.430; and

(44) Section 45, chapter 1, Laws of 1973 and RCW 42.17.450. [1986 c 272 § 2; 1983 c 197 § 34.]

**43.131.273 through 43.131.276 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**43.131.291 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**43.131.292 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**43.131.301 Nursing home advisory council—Termination.** The nursing home advisory council and its powers and duties shall be terminated on June 30, 1989, as provided in RCW 43.131.302. [1986 c 270 § 3; 1983 c 197 § 24.]

**43.131.302 Nursing home advisory council—Repeal.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1990:

(1) Section 11, chapter 117, Laws of 1951, section 1, chapter 85, Laws of 1971 ex. sess., section 65, chapter 211, Laws of 1979 ex. sess., section 39, chapter 287, Laws of 1984 and RCW 18.51.100; and

(2) Section 12, chapter 117, Laws of 1951, section 66, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.110. [1986 c 270 § 4; 1983 c 197 § 50.]

**43.131.303 Emergency medical services committee—Termination.** The emergency medical services committee and its powers and duties shall be terminated on June 30, 1989, as provided in RCW 43.131.304. [1986 c 270 § 5; 1983 c 197 § 25.]

**43.131.304 Emergency medical services committee—Repeal.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1990:

(1) Section 4, chapter 208, Laws of 1973 1st ex. sess., section 43, chapter 34, Laws of 1975-'76 2nd ex. sess., section 2, chapter 261, Laws of 1979 ex. sess., section 13, chapter 338, Laws of 1981, section 55, chapter 279, Laws of 1984 and RCW 18.73.040; and

(2) Section 5, chapter 208, Laws of 1973 1st ex. sess., section 3, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.050. [1986 c 270 § 6; 1983 c 197 § 51.]

**43.131.305 through 43.131.307 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**43.131.311 through 43.131.314 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**43.131.319 Washington council for the prevention of child abuse and neglect—Termination.** The Washington council for the prevention of child abuse

and neglect and its powers and duties shall be terminated on June 30, 1989, as provided in RCW 43.131.320. [1986 c 270 § 7; 1984 c 261 § 5.]

**Severability—1984 c 261:** See note following RCW 43.121.020.

**43.131.320 Washington council for the prevention of child abuse and neglect—Repeal.** The following acts or parts of acts as now existing or hereafter amended, are each repealed effective June 30, 1990:

(1) Section 1, chapter 4, Laws of 1982 and RCW 43.121.010;

(2) Section 2, chapter 4, Laws of 1982, section 1, chapter 261, Laws of 1984 and RCW 43.121.020;

(3) Section 3, chapter 4, Laws of 1982, section 87, chapter 287, Laws of 1984 and RCW 43.121.030;

(4) Section 4, chapter 4, Laws of 1982 and RCW 43.121.040;

(5) Section 5, chapter 4, Laws of 1982 and RCW 43.121.050;

(6) Section 6, chapter 4, Laws of 1982 and RCW 43.121.060;

(7) Section 7, chapter 4, Laws of 1982 and RCW 43.121.070;

(8) Section 8, chapter 4, Laws of 1982 and RCW 43.121.080;

(9) Section 9, chapter 4, Laws of 1982, section 2, chapter 261, Laws of 1984 and RCW 43.121.090;

(10) Section 10, chapter 4, Laws of 1982, section 3, chapter 261, Laws of 1984 and RCW 43.121.100; and

(11) Section 15, chapter 4, Laws of 1982 and RCW 43.121.910. [1986 c 270 § 8; 1984 c 261 § 6.]

**Severability—1984 c 261:** See note following RCW 43.121.020.

**43.131.323 Examining board of psychology—Termination.** The powers and duties of the examining board of psychology shall be terminated on June 30, 1992. [1986 c 27 § 11; 1985 c 7 § 109; 1984 c 279 § 94.]

## Chapter 43.132

### FISCAL IMPACT OF PROPOSED LEGISLATION ON POLITICAL SUBDIVISIONS

#### Sections

- 43.132.040 Fiscal notes—Transmission of copies to designated recipients.  
43.132.050 Fiscal notes—Transmission of copies upon request.

**43.132.040 Fiscal notes—Transmission of copies to designated recipients.** When a fiscal note is prepared and approved as to form and completeness by the director of financial management, the director shall transmit copies immediately to:

(1) The requesting legislator;

(2) With respect to proposed legislation held by the senate, the chairperson of the committee which holds or has acted upon the proposed legislation, the chairperson of the ways and means committee, the chairperson of the local government committee, and the secretary of the senate; and

(3) With respect to proposed legislation held by the house of representatives, the chairperson of the committee which holds or has acted upon the proposed legislation, the chairpersons of the revenue and taxation and appropriations committees, the chairperson of the local government committee, and the chief clerk of the house of representatives. [1986 c 158 § 18; 1979 c 151 § 151; 1977 ex.s. c 19 § 4.]

**43.132.050 Fiscal notes—Transmission of copies upon request.** The office of financial management may make additional copies of the fiscal note available to members of the legislature and others on request.

At the request of any member of the senate or house of representatives, whichever is considering the proposed legislation, and unless it is prohibited by the rules of the body, copies of the fiscal note or a synopsis thereof shall be placed on the members' desks at the time the proposed legislation takes its place on the second reading calendar.

Whenever proposed legislation accompanied by such a fiscal note is passed by either the senate or the house of representatives, the fiscal note shall be transmitted with the bill to the other house. [1986 c 158 § 19; 1979 c 151 § 152; 1977 ex.s. c 19 § 5.]

### Chapter 43.168

## WASHINGTON STATE DEVELOPMENT LOAN FUND COMMITTEE

### Sections

- 43.168.050 Application approval—Conditions and limitations.  
43.168.100 Entitlement community grants—Conditions.

**43.168.050 Application approval—Conditions and limitations.** (1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) Is located within a distressed area and may reasonably be expected to increase employment or maintain threatened employment;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, and the employment of disadvantaged workers, will primarily accrue to residents of the distressed area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(3) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be

paid to such organization by the recipient of the loan or grant.

(4) (a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(5) The committee shall fix the terms and rates pertaining to its loans.

(6) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the "greatest amount of employment or benefit" the committee shall also consider the employment which would be saved by its loan.

(7) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(8) The committee shall not approve any application to finance or help finance a shopping mall. [1986 c 204 § 2; 1985 c 164 § 5.]

**43.168.100 Entitlement community grants—Conditions.** The committee may make grants of state funds to local governments which qualify as "entitlement communities" under the federal law authorizing community development block grants. These grants may only be made on the condition that the entitlement community provide the committee with assurances that it will: (1) Spend the grant moneys for purposes and in a manner which satisfies state constitutional requirements; (2) spend the grant moneys for purposes and in a manner which would satisfy federal requirements; and (3) spend double the amount of the grant for loans to businesses from the federal funds received by the entitlement community. [1986 c 204 § 1; 1985 c 164 § 10.]

### Chapter 43.180

## HOUSING FINANCE COMMISSION

### Sections

- 43.180.050 Housing financing powers—Annual audit.  
43.180.160 Debt limitation.  
43.180.200 Internal revenue code.  
43.180.210 Repealed.

**43.180.050 Housing financing powers—Annual audit.** (1) In addition to other powers and duties prescribed in this chapter, and in furtherance of the purposes of this chapter to provide decent, safe, sanitary,

and affordable housing for eligible persons, the commission is empowered to:

- (a) Issue bonds in accordance with this chapter;
- (b) Invest in, purchase, or make commitments to purchase or take assignments from mortgage lenders of mortgages or mortgage loans;
- (c) Make loans to or deposits with mortgage lenders for the purpose of making mortgage loans; and
- (d) Participate fully in federal and other governmental programs and to take such actions as are necessary and consistent with this chapter to secure to itself and the people of the state the benefits of those programs and to meet their requirements, including such actions as the commission considers appropriate in order to have the interest payments on its bonds and other obligations treated as tax exempt under the code.

(2) The commission shall establish eligibility standards for eligible persons, considering at least the following factors:

- (a) Income;
- (b) Family size;
- (c) Cost, condition and energy efficiency of available residential housing;
- (d) Availability of decent, safe, and sanitary housing;
- (e) Age or infirmity; and
- (f) Applicable federal, state, and local requirements.

The state auditor shall audit the books, records, and affairs of the commission annually to determine, among other things, if the use of bond proceeds complies with the general plan of housing finance objectives including compliance with the objective for the use of financing assistance for implementation of cost-effective energy efficiency measures in dwellings. [1986 c 264 § 1; 1983 c 161 § 5.]

**43.180.160 Debt limitation.** The total amount of outstanding indebtedness of the commission may not exceed one and one-half billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise. [1986 c 264 § 2; 1983 c 161 § 16.]

**43.180.200 Internal revenue code.** For purposes of the code:

(1) The legislature reserves the right at any time to alter or change the structure, organization, programs, or activities of the commission and to terminate the commission, so long as the action does not impair any outstanding contracts entered into by the commission;

(2) Any net earnings of the commission beyond that necessary to retire its bonds and to carry out the purposes of this chapter shall not inure to the benefit of any person other than the state;

(3) Upon dissolution of the commission, title to all of its remaining property shall vest in the state;

(4) The commission constitutes the only housing finance agency of the state of Washington; and

(5) In order to take advantage of the maximum amount of tax exempt bonds for housing financing available pursuant to the code, any state ceiling with respect to housing shall be allocated in accordance with the following formula:

(a) Eighty percent of the state ceiling shall be allocated to the commission and twenty percent shall be allocated to the other issuing authorities in the state.

(b) The allocation to the issuing authorities other than the commission shall be distributed to such issuing authorities in amounts as determined following public notice by the department of community development pursuant to rules promulgated by it. The distribution shall be in response to applications received from such issuing authorities and shall be based on the following factors: (i) The amount of housing to be made available by such applicant; (ii) the population within the jurisdiction of the applicant; (iii) coordination with other applicable federal and state housing programs; (iv) the likelihood of implementing the proposed financing during that year; and (v) consistency with the plan of the commission. On or before February 1 of each year, the department of community development shall distribute the state ceiling allocation among such issuing authorities and any unused portion shall be added to the allocation of the commission. Each issuing authority other than the commission shall confirm its allocation distribution by providing to the department of community development no later than June 1 a copy of an executed bond purchase contract or alternative documentation deemed sufficient by the commission to evidence the reasonable likelihood of the allocation distribution being fully used. Any portion of such allocation not so confirmed shall be added to the allocation of the commission on July 1. Prior to July 1, the commission shall provide written notice of the allocation decrease to the affected issuing authority. The reallocation shall not limit the authority of the commission to assign a portion of its allocation pursuant to subsection (5)(c) of this section.

(c) The commission may assign a portion of its allocation to another issuing agency. [1986 c 264 § 3; 1985 c 6 § 15; 1984 c 28 § 1; 1983 c 161 § 20.]

**43.180.210 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

## Chapter 43.185

### HOUSING ASSISTANCE FOR LOW-INCOME PERSONS

Sections	
43.185.010	Findings.
43.185.020	Definitions.
43.185.030	Washington housing trust fund.
43.185.040	Investment of housing trust fund revenues.
43.185.050	Use of funds for loans and grant projects to provide housing—Eligible activities.
43.185.060	Eligible organizations.

- 43.185.070 Notice of grant and loan application period—Priorities—Criteria for evaluation.  
 43.185.080 Preconstruction technical assistance.  
 43.185.090 Compliance monitoring.  
 43.185.100 Rule-making authority.  
 43.185.900 Severability—1986 c 298.

**43.185.010 Findings.** The legislature finds that current economic conditions, federal housing policies and declining resources at the federal, state, and local level adversely affect the ability of low and very low-income persons to obtain safe, decent, and affordable housing.

The legislature further finds that members of over one hundred twenty thousand households live in housing units which are overcrowded, lack plumbing, are otherwise threatening to health and safety, and have rents and utility payments which exceed thirty percent of their income.

The legislature further finds that minorities, rural households, and migrant farm workers require housing assistance at a rate which significantly exceeds their proportion of the general population.

The legislature further finds that one of the most dramatic housing needs is that of persons needing special housing-related services, such as the mentally ill, recovering alcoholics, frail elderly persons, and single parents. These services include medical assistance, counseling, chore services, and child care.

The legislature further finds that housing assistance programs in the past have often failed to help those in greatest need.

The legislature declares that it is in the public interest to establish a continuously renewable resource known as a housing trust fund to assist low and very low-income citizens in meeting their basic housing needs, and that the needs of very low-income citizens should be given priority. [1986 c 298 § 1.]

**43.185.020 Definitions.** "Department" means the department of community development. "Director" means the director of the department of community development. [1986 c 298 § 3.]

**43.185.030 Washington housing trust fund.** There is hereby created a fund in the office of the treasurer known as the Washington housing trust fund. The treasurer shall serve as the trustee thereof and shall make disbursements therefrom as directed by this chapter. The housing trust fund shall include revenue from the sources established by this chapter, appropriations by the legislature, private contributions, and all other sources. [1986 c 298 § 2.]

**43.185.040 Investment of housing trust fund revenues.** The treasurer, as trustee, shall invest housing trust fund revenues in investment instruments as part of the portfolio it manages for state funds. [1986 c 298 § 5.]

**43.185.050 Use of funds for loans and grant projects to provide housing—Eligible activities.** (1) The department shall use funds from the housing trust fund to finance in whole or in part any loans or grant projects that will provide housing for persons and families with

special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. Not less than thirty percent of such funds used in any given biennium shall be for the benefit of projects located in rural areas as defined in 63 Stat. 432, 42 U.S.C. Sec. 1471 et seq.

(2) Activities eligible for assistance include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies in new construction or rehabilitated multifamily units;

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless;

(g) Mortgage subsidies for new construction or rehabilitation of eligible multifamily units;

(h) Mortgage insurance guarantee or payments for eligible projects; and

(i) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing. [1986 c 298 § 6.]

**43.185.060 Eligible organizations.** Organizations that may receive assistance from the department under this chapter are local governments, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or state-wide nonprofit housing assistance organizations. [1986 c 298 § 7.]

**43.185.070 Notice of grant and loan application period—Priorities—Criteria for evaluation.** (1) During each calendar year in which funds are available for use by the department from the housing trust fund, as prescribed in RCW 43.185.030, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources, but at least twice annually. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department, not to exceed five percent of annual revenues to the fund.

(2) The department shall give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities. Such projects and activities shall be evaluated under subsection (3) of this section. Second

priority shall be given to activities and projects which utilize existing publicly owned housing stock. Such projects and activities shall be evaluated under subsection (3) of this section.

(3) The department shall give preference for applications based on the following criteria:

(a) The degree of leveraging of other funds that will occur;

(b) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;

(c) Local government project contributions in the form of infrastructure improvements, and others;

(d) Projects that encourage ownership, management, and other project-related responsibility opportunities;

(e) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least fifteen years;

(f) The applicant has the demonstrated ability, stability and resources to implement the project;

(g) Projects which demonstrate serving the greatest need; and

(h) Projects that provide housing for persons and families with the lowest incomes. [1986 c 298 § 8.]

**43.185.080 Preconstruction technical assistance.** (1) The department may use moneys from the housing trust fund to provide preconstruction technical assistance to eligible recipients seeking to construct, rehabilitate, or finance housing-related services for very low and low-income persons. The department shall emphasize providing preconstruction technical assistance services to rural areas and small cities and towns. The department may contract with nonprofit organizations to provide this technical assistance. The department may contract for any of the following services:

(a) Financial planning and packaging for housing projects, including alternative ownership programs, such as limited equity partnerships and syndications;

(b) Project design, architectural planning, and siting;

(c) Compliance with planning requirements;

(d) Securing matching resources for project development;

(e) Maximizing local government contributions to project development in the form of land donations, infrastructure improvements, waivers of development fees, locally and state-managed funds, zoning variances, or creative local planning;

(f) Coordination with local planning, economic development, and environmental, social service, and recreational activities;

(g) Construction and materials management; and

(h) Project maintenance and management.

(2) The department shall publish requests for proposals which specify contract performance standards, award criteria, and contractor requirements. In evaluating proposals, the department shall consider the ability of the contractor to provide technical assistance to low and very low-income persons and to persons with special housing needs. [1986 c 298 § 9.]

**43.185.090 Compliance monitoring.** The director shall monitor the activities of recipients of grants and loans under this chapter to determine compliance with the terms and conditions set forth in its application or stated by the department in connection with the grant or loan. [1986 c 298 § 10.]

**43.185.100 Rule-making authority.** The department shall have the authority to promulgate rules pursuant to chapter 34.04 RCW, regarding the grant and loan process, and the substance of eligible projects, consistent with this chapter. [1986 c 298 § 11.]

**43.185.900 Severability—1986 c 298.** 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. [1986 c 298 § 13.]

## Chapter 43.200

### RADIOACTIVE WASTE ACT

#### Sections

43.200.070	Rules.
43.200.080	Additional powers and duties of director.
43.200.170	Waste disposal surcharges and penalty surcharges.
43.200.180	Implementation of federal low-level radioactive waste policy amendments of 1985.
43.200.190	Studies on site closure and perpetual care and maintenance requirements and on adequacy of insurance coverage—Reports.
43.200.200	Review of potential damage—Liability coverage—Reports.
43.200.210	Immunity of state—Demonstration of liability coverage—Suspension of license or permit.
43.200.905	Construction—1986 c 191.
43.200.906	Severability—1986 c 191.

**43.200.070 Rules.** The board and/or the department of ecology shall adopt such rules as are necessary to carry out responsibilities under this chapter. The department of ecology is authorized to adopt such rules as are necessary to carry out its responsibilities under chapter 43.145 RCW. [1986 c 2 § 5; 1984 c 161 § 8; 1983 1st ex.s. c 19 § 7.]

**43.200.080 Additional powers and duties of director.** The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;



(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965. In order to finance perpetual surveillance and maintenance under the agreement, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.04 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. All such fees, when received by the department of ecology, shall be transmitted to the state treasurer, who shall act as custodian. The treasurer shall place the money in a special account which may be designated the "perpetual maintenance account." Appropriations are required to permit expenditures and payment of obligations from this account, and the condition of the account and its administration shall be reported biennially to the legislature by the director. Moneys in the perpetual maintenance account shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance account. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the perpetual maintenance account. The perpetual maintenance account shall be used exclusively for surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations;

(3) To assure 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 against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

(4) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management; and

(5) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities. [1986 c 2 § 1; 1983 1st ex.s. c 19 § 8.]

*Suspension and reinstatement of site use permits: RCW 70.98.085.*

**43.200.170 Waste disposal surcharges and penalty surcharges.** The governor may assess surcharges and penalty surcharges on the disposal of waste at the Hanford low-level radioactive waste disposal facility.

The surcharges may be imposed up to the maximum extent permitted by federal law. Moneys received under this section shall be deposited in the general fund. [1986 c 2 § 3.]

**43.200.180 Implementation of federal low-level radioactive waste policy amendments of 1985.** The department of ecology shall be the state agency responsible for implementation of the federal low-level radioactive waste policy amendments act of 1985, including:

(1) Collecting and administering the surcharge assessed by the governor under RCW 43.200.170;

(2) Collecting low-level radioactive waste data from disposal facility operators, generators, intermediate handlers, and the federal department of energy;

(3) Developing and operating a computerized information system to manage low-level radioactive waste data;

(4) Denying and reinstating access to the Hanford low-level radioactive waste disposal facility pursuant to the authority granted under federal law;

(5) Administering and/or monitoring (a) the maximum waste volume levels for the Hanford low-level radioactive waste disposal facility, (b) reactor waste allocations, (c) priority allocations under the Northwest Interstate Compact on Low-Level Radioactive Waste Management, and (d) adherence by other states and compact regions to federal statutory deadlines;

(6) Coordinating the state's low-level radioactive waste disposal program with similar programs in other states; and

(7) Preparing an annual report to the legislature which details the manifested curie content and cubic foot volume of the material received at the Hanford low-level radioactive waste disposal facility in a manner which allows for an assessment of the impact of volume reduction techniques and imposition of any surcharges on the amount of material received. [1986 c 2 § 4.]

**43.200.190 Studies on site closure and perpetual care and maintenance requirements and on adequacy of insurance coverage—Reports.** (1) The department of ecology shall perform studies, by contract or otherwise, to define site closure and perpetual care and maintenance requirements for the Hanford low-level radioactive waste disposal facility and to assess the adequacy of insurance coverage for general liability, radiological liability, and transportation liability for the facility.

(2) The department shall complete the studies and report its findings to the legislature by December 31, 1987. The department shall make a preliminary progress report to the legislature by December 31, 1986. [1986 c 2 § 6.]

**43.200.200 Review of potential damage—Liability coverage—Reports.** (1) The director of the department of ecology shall periodically review the potential for bodily injury and property damage in the packaging, shipping, transporting, treatment, storage, and disposal of commercial low-level radioactive materials under licenses or permits issued by the state.

(2) The director shall, upon the completion of each review, determine by rule the minimum amount of liability coverage that is adequate to protect the state and its citizens from all claims, suits, losses, damages, or expenses on account of injuries to persons and property damage arising or growing out of the packaging, shipping, transporting, treatment, storage, and disposal of commercial low-level radioactive materials.

(3) The director shall require the maximum amount of liability coverage available from private sources, including insurance, surety bonds, corporate guarantees, and other acceptable instruments, unless the director determines that a lesser amount is adequate to protect the state and its citizens pursuant to this section.

(4) In making the determination, the director shall consider:

(a) The nature and purpose of the activity and its potential for injury and damages to or claims against the state and its citizens;

(b) The current and cumulative manifested volume and radioactivity of material being packaged, transported, buried, or otherwise handled;

(c) The location where the material is being packaged, transported, buried, or otherwise handled, including the proximity to the general public and geographic features such as geology and hydrology, if relevant; and

(d) The legal defense cost, if any, that will be paid from the required liability coverage amount.

(5) The director may establish different levels of required liability coverage for various classes of license or permit holders.

(6) The director shall establish by rule the instruments or mechanisms by which a person may demonstrate liability coverage as required by RCW 43.200.210 and 70.98.095. Any instrument or mechanism approved as an alternative to liability insurance shall provide the state and its citizens with a level of financial protection at least as great as would be provided by liability insurance.

(7) The director shall complete the first review and determination, and report the results to the legislature, by December 1, 1987. At least every five years thereafter, the director shall conduct a new review and determination and report its results to the legislature. [1986 c 191 § 1.]

**43.200.210 Immunity of state—Demonstration of liability coverage—Suspension of license or permit.** (1) The department of ecology shall require that any person who holds or applies for a license or permit under this chapter (a) indemnify and hold harmless the state from claims, suits, damages, or expenses on account of injuries to or death of persons and property, arising or growing out of any operations and activities for which the person holds the license or permit, and any necessary or incidental operations, and (b) demonstrate that the person has and maintains liability coverage for the operations for which the state has been indemnified and held harmless pursuant to this section. The agency shall require coverage in an amount determined by the director

of the department of ecology pursuant to RCW 43.200.200.

(2) The department of ecology shall suspend the license or permit of any person required by this section to hold and maintain liability coverage who fails to demonstrate compliance with this section. The license or permit shall not be reinstated until the person demonstrates compliance with this section.

(3) The department of ecology shall require (a) that any person required to maintain liability coverage maintain with the agency current copies of any insurance policies, certificates of insurance, or any other documents used to comply with this section, (b) that the agency be notified of any changes in the insurance coverage or financial condition of the person, and (c) that the state be named as an insured party on any insurance policy used to comply with this section. [1986 c 191 § 2.]

**43.200.905 Construction—1986 c 191.** The provisions of \*this act shall not have the effect of reducing the level of liability coverage required under any law, regulation, or contract of the state before December 31, 1987, or the effective date of the first determination made pursuant to RCW 43.200.200, if earlier. [1986 c 191 § 4.]

**\*Reviser's note:** "This act" consists of the enactment of RCW 43.200.200, 43.200.210, 43.200.905, 43.200.906, and 70.98.095 and the 1986 c 191 amendment to RCW 81.80.190.

**43.200.906 Severability—1986 c 191.** 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. [1986 c 191 § 6.]

## Chapter 43.220

### WASHINGTON CONSERVATION CORPS

#### Sections

43.220.070 Corps memberships—Eligibility, terms, etc.

**43.220.070 Corps memberships—Eligibility, terms, etc.** (1) Conservation corps members shall be unemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States. The age requirements may be waived for corps leaders and specialists with special leadership or occupational skills; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. Special effort shall be made to recruit minority and disadvantaged youth who meet selection criteria of the conservation corps. Preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment exceeding the state average unemployment rate.

(2) Corps members shall not be considered state employees. Other provisions of law relating to civil service,

hours of work, rate of compensation, sick leave, unemployment compensation, state retirement plans, and vacation leave do not apply to the Washington conservation corps except for the crew leaders, who shall be project employees, and the administrative and supervisory personnel.

(3) Enrollment shall be for a period of six months which may be extended for an additional six months by mutual agreement of the corps and the corps member. Corps members shall be reimbursed at the minimum wage rate established by federal law: *Provided*, That if agencies elect to run a residential program, the appropriate costs for room and board shall be deducted from the corps member's paycheck as provided in chapter 43.220 RCW.

(4) Corps members are to be available at all times for emergency response services coordinated through the department of community development or other public agency. Duties may include sandbagging and flood cleanup, search and rescue, and other functions in response to emergencies. [1986 c 266 § 48. Prior: 1985 c 230 § 7; 1985 c 7 § 110; 1983 1st ex.s. c 40 § 7.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

### Chapter 43.250

## INVESTMENT OF LOCAL GOVERNMENT FUNDS

### Sections

43.250.010	Purpose.
43.250.020	Definitions.
43.250.030	Public funds investment account.
43.250.040	Authority of local government official to place funds in the public funds investment account—Investment of funds by state treasurer—Degree of judgment and care required.
43.250.050	Employment of personnel.
43.250.060	Rules—Time periods for investments—Withdrawal of funds—Administrative expenses—Interest earnings—Calculation of credits and payments.
43.250.070	Separate accounts for political subdivisions—Monthly status report.
43.250.080	Annual summary of activity.
43.250.090	Administration of chapter—Rules.

**43.250.010 Purpose.** The purpose of this chapter is to enable political subdivisions to participate with the state in providing maximum opportunities for the investment of surplus public funds consistent with the safety and protection of such funds. The legislature finds and declares that the public interest is found in providing maximum prudent investment of surplus funds, thereby reducing the need for additional taxation. The legislature also recognizes that not all political subdivisions are able to maximize the return on their temporary surplus funds. The legislature therefore provides in this chapter a mechanism whereby political subdivisions may, at their option, utilize the resources of the state treasurer's office to maximize the potential of surplus funds while ensuring the safety of public funds. [1986 c 294 § 1.]

**43.250.020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Public funds investment account" or "investment pool" means the aggregate of all funds from political subdivisions that are placed in the custody of the state treasurer for investment and reinvestment.

(2) "Political subdivision" means any county, city, town, municipal corporation, political subdivision, or special purpose taxing district in the state.

(3) "Local government official" means any officer or employee of a political subdivision who has been designated by statute or by local charter, ordinance, or resolution as the officer having the authority to invest the funds of the political subdivision. However, the county treasurer shall be deemed the only local government official for all political subdivisions for which the county treasurer has exclusive statutory authority to invest the funds thereof.

(4) "Funds" means public funds under the control of or in the custody of any local government official by virtue of the official's authority that are not immediately required to meet current demands. [1986 c 294 § 2.]

**43.250.030 Public funds investment account.** There is created a trust fund in the state treasury to be known as the public funds investment account. All moneys remitted by local government officials under this chapter shall be deposited in this account. The earnings on any balances in the public funds investment account shall be credited to the public funds investment account, notwithstanding RCW 43.84.090. [1986 c 294 § 3.]

**43.250.040 Authority of local government official to place funds in the public funds investment account—Investment of funds by state treasurer—Degree of judgment and care required.** If authorized by local ordinance or resolution, a local government official may place funds into the public funds investment account for investment and reinvestment by the state treasurer in those securities and investments set forth in RCW 43.84.080 and chapter 39.58 RCW. The state treasurer shall invest the funds in such manner as to effectively maximize the yield to the investment pool. In investing and reinvesting moneys in the public funds investment account and in acquiring, retaining, managing, and disposing of investments of the investment pool, there shall be exercised the judgment and care under the circumstances then prevailing which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of the funds considering the probable income as well as the probable safety of the capital. [1986 c 294 § 4.]

**43.250.050 Employment of personnel.** The state treasurer's office is authorized to employ such personnel as are necessary to administer the public funds investment account. The bond of the state treasurer as required by law shall be made to include the faithful performance of all functions relating to the investment pool. [1986 c 294 § 5.]

**43.250.060 Rules—Time periods for investments—Withdrawal of funds—Administrative expenses—Interest earnings—Calculation of credits and payments.** The state treasurer shall by rule prescribe the time periods for investments in the investment pool and the procedure for withdrawal of funds from the investment pool. The state treasurer shall promulgate such other rules as are deemed necessary for the efficient operation of the investment pool. The rules shall also provide for the administrative expenses of the investment pool, including repayment of the initial administrative costs financed out of the appropriation included in \*this act, to be paid from the pool's earnings and for the interest earnings in excess of the expenses to be credited or paid to the political subdivisions participating in the pool. The state treasurer may deduct the amounts necessary to reimburse the treasurer's office for the actual expenses the office incurs and to repay any funds appropriated and expended for the initial administrative costs of the pool. Any credits or payments to political subdivisions shall be calculated and made in a manner which equitably reflects the differing amounts of the political subdivisions' respective deposits in the investment pool fund and the differing periods of time for which the amounts were placed in the investment pool. [1986 c 294 § 6.]

\*Reviser's note: "This act" refers to 1986 c 294.

**43.250.070 Separate accounts for political subdivisions—Monthly status report.** The state treasurer shall keep a separate account for each political subdivision having funds in the investment pool. Each separate account shall record the individual amounts deposited in the investment pool, the date of withdrawals, and the earnings credited or paid to the political subdivision. The state treasurer shall report monthly the status of the respective account to each local government official having funds in the pool during the previous month. [1986 c 294 § 7.]

**43.250.080 Annual summary of activity.** At the end of each fiscal year, the state treasurer shall submit to the governor, the state auditor, and the legislative budget committee a summary of the activity of the investment pool. The summary shall indicate the quantity of funds deposited; the earnings of the pool; the investments purchased, sold, or exchanged; the administrative expenses of the investment pool; and such other information as the state treasurer deems relevant. [1986 c 294 § 8.]

**43.250.090 Administration of chapter—Rules.** The state finance committee shall administer this chapter and adopt appropriate rules. [1986 c 294 § 9.]

## Title 44

### STATE GOVERNMENT—LEGISLATIVE

#### Chapters

**44.44 Office of state actuary.**

[1986 RCW Supp—page 354]

**44.68 Joint legislative systems committee.**

#### Chapter 44.44

### OFFICE OF STATE ACTUARY

#### Sections

44.44.040 Powers and duties of state actuary—Actuarial fiscal notes.

**44.44.040 Powers and duties of state actuary—Actuarial fiscal notes.** 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, to be known as the actuarial fiscal note, on each pension bill introduced in the legislature which briefly explains the financial impact of the bill. The actuarial fiscal note shall include: (a) The statutorily required contribution for the biennium and the following twenty-five years; (b) the biennial cost of the increased benefits if these exceed the required contribution; and (c) any change in the present value of the unfunded accrued benefits. An actuarial fiscal note shall also be prepared for all amendments which are offered in committee or on the floor of the house of representatives or the senate to any pension bill. However, a majority of the members present may suspend the requirement for an actuarial fiscal note for amendments offered on the floor of the house of representatives or the senate.

(5) Provide such actuarial services to the legislature as may be requested from time to time. [1986 c 317 § 6; 1975-'76 2nd ex.s. c 105 § 22.]

**Severability—1986 c 317:** See note following RCW 41.40.150.

**Requirements for proposed legislation submitted by department of retirement systems:** RCW 41.50.100.

#### Chapter 44.68

### JOINT LEGISLATIVE SYSTEMS COMMITTEE

#### Sections

44.68.010 Definitions.  
44.68.020 Committee created—Members, terms, vacancies, officers, rules.  
44.68.030 Administrative committee—Membership, coordinator as secretary.  
44.68.040 Legislative systems coordinator—Employment, duties.  
44.68.050 Administrative committee—Powers and duties.  
44.68.060 Joint legislative service center—Duties—Protection of information—Bill drafts.  
44.68.070 Legislative systems revolving fund.  
44.68.080 Scope of requirements of this chapter.

44.68.090 Systems committee, administrative committee members—Travel expenses.

**44.68.010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrative committee" means the legislative systems administrative committee created under RCW 44.68.030.

(2) "Center" means the joint legislative service center established under RCW 44.68.060.

(3) "Coordinator" means the legislative systems coordinator employed under RCW 44.68.040.

(4) "Systems committee" means the joint legislative systems committee created under RCW 44.68.020. [1986 c 61 § 1.]

**44.68.020 Committee created—Members, terms, vacancies, officers, rules.** (1) The joint legislative systems committee is created to oversee the direction of the information processing and communications systems of the legislature and to enforce the policies, procedures, and standards established under this chapter. The systems committee consists of eight members as follows:

(a) The speaker of the house of representatives;

(b) The minority leader of the house of representatives;

(c) A member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;

(d) The majority leader of the senate;

(e) The minority leader of the senate; and

(f) A member from each of the two largest caucuses in the senate, appointed by the majority leader of the senate.

(2) The initial members of the systems committee shall be appointed within five days after March 12, 1986, and shall serve until their successors are appointed and qualified in the 1987 regular legislative session. After the initial terms, members shall serve two-year terms, beginning with their appointment in the regular legislative session held in an odd-numbered year and continuing until their successors are appointed and qualified. In case of a vacancy, the original appointing authority shall appoint another member of the same party as the vacating member.

(3) The systems committee shall choose its own presiding officer and other necessary officers from among its membership, and shall make rules for orderly procedure. [1986 c 61 § 2.]

**44.68.030 Administrative committee—Membership, coordinator as secretary.** (1) The legislative systems administrative committee is created to manage the information processing and communications systems of the legislature. The administrative committee consists of five members appointed as follows:

(a) The secretary of the senate, and another senate staff person appointed by and serving at the pleasure of the secretary;

(b) The chief clerk of the house of representatives, and another house of representatives staff person appointed by and serving at the pleasure of the chief clerk; and

(c) The code reviser, or the code reviser's designee, serving in a nonvoting capacity.

(2) The coordinator shall serve as the secretary of the administrative committee. [1986 c 61 § 3.]

**44.68.040 Legislative systems coordinator—Employment, duties.** (1) The systems committee, after consultation with the administrative committee, shall employ a legislative systems coordinator. The coordinator shall serve at the pleasure of the systems committee, which shall fix the coordinator's salary.

(2) The coordinator shall serve as the executive and administrative head of the center, and shall assist the administrative committee in managing the information processing and communications systems of the legislature as directed by the administrative committee. [1986 c 61 § 4.]

**44.68.050 Administrative committee—Powers and duties.** The administrative committee shall, subject to the approval of the systems committee:

(1) Adopt policies, procedures, and standards regarding the information processing and communications systems of the legislature;

(2) Establish appropriate charges for services, equipment, and publications provided by the legislative information processing and communications systems, applicable to legislative and nonlegislative users as determined by the administrative committee;

(3) Employ or engage and fix the compensation for personnel required to carry out the purposes of this chapter;

(4) Enter into contracts for (a) the sale, exchange, or acquisition of equipment, supplies, services, and facilities required to carry out the purposes of this chapter and (b) the distribution of legislative information;

(5) Generally assist the systems committee in carrying out its responsibilities under this chapter, as directed by the systems committee. [1986 c 61 § 5.]

**44.68.060 Joint legislative service center—Duties—Protection of information—Bill drafts.** (1)

The administrative committee, subject to the approval of the systems committee, shall establish a joint legislative service center. The center shall provide automatic data processing services, equipment, training, and support to the legislature and legislative agencies. The center may also, by agreement, provide services to agencies of the judicial and executive branch. All operations of the center shall be subject to the general supervision of the administrative committee in accordance with the policies, procedures, and standards established under RCW 44.68.050.

(2) Except as provided otherwise in subsection (3) of this section, determinations regarding the security, disclosure, and disposition of information placed or maintained in the center shall rest solely with the originator

and shall be made in accordance with any law regulating the disclosure of such information. The originator is the person who directly places information in the center.

(3) When utilizing the center to carry out the bill drafting functions required under RCW 1.08.027, the code reviser shall be considered the originator as defined in RCW 44.68.060. However, determinations regarding the security, disclosure, and disposition of drafts placed or maintained in the center shall be made by the person requesting the code reviser's services and the code reviser, acting as the originator, shall comply with and carry out such determinations as directed by that person. A measure once introduced shall not be considered a draft under this subsection. [1986 c 61 § 6.]

**44.68.070 Legislative systems revolving fund.** The legislative systems revolving fund is established in the custody of the state treasurer. All moneys received by the systems committee, the administrative committee, and the center shall be deposited in the fund. Moneys in the fund may be spent only for expenses approved by the systems committee for the purposes of this chapter. Disbursements from the fund shall be on vouchers signed by both the presiding officer of the systems committee and the coordinator. No appropriation is required for disbursements from the fund. The senate and house of representatives may transfer moneys appropriated for legislative expenses to the fund, in addition to charges made under RCW 44.68.050(2). [1986 c 61 § 7.]

**44.68.080 Scope of requirements of this chapter.** The information and communications functions of the legislature and legislative agencies are subject to the requirements of this chapter, and the standards, policies, and procedures established under this chapter. [1986 c 61 § 8.]

**44.68.090 Systems committee, administrative committee members—Travel expenses.** Members of the systems committee and of the administrative committee shall be reimbursed for travel expenses under RCW 44.04.120 or 43.03.050 and 43.03.060, as appropriate, while attending meetings of their respective committees or on other official business authorized by their respective committees. [1986 c 61 § 9.]

## Title 46 MOTOR VEHICLES

### Chapters

- 46.01** Department of licensing.
- 46.04** Definitions.
- 46.08** General provisions.
- 46.09** Off-road and nonhighway vehicles.
- 46.10** Snowmobiles.
- 46.12** Certificates of ownership and registration.
- 46.16** Vehicle licenses.
- 46.20** Drivers' licenses—Identicards.
- 46.32** Vehicle inspection.

- 46.37** Vehicle lighting and other equipment.
- 46.44** Size, weight, load.
- 46.52** Accidents—Reports—Abandoned vehicles.
- 46.61** Rules of the road.
- 46.63** Disposition of traffic infractions.
- 46.64** Enforcement.
- 46.68** Disposition of revenue.
- 46.70** Unfair business practices—Dealers' licenses.
- 46.82** Driver training schools.
- 46.85** Reciprocal or proportional registration of vehicles.
- 46.87** International Registration Plan. (Effective January 1, 1987.)
- 46.88** Out-of-state commercial vehicles—Intra-state permits.
- 46.90** Washington Model Traffic Ordinance.

### Chapter 46.01

#### DEPARTMENT OF LICENSING

##### Sections

- 46.01.140** County auditors, others, as agents of director—Disposition of application fees. (Effective January 1, 1987.)

**46.01.140 County auditors, others, as agents of director—Disposition of application fees.** (Effective January 1, 1987.) The county auditor, if appointed by the director of licensing 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, registration, or the right to operate any vehicle upon the public highways of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, 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. Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of three dollars in addition to any other fees required by law. These additional fees, 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. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his expenses in handling the application: *Provided*, That an agent of the county auditor is entitled to an additional service charge of one dollar and seventy-five cents: *Provided further*, That if the fee is collected by the state patrol or the department of transportation, 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. [1985 c 380 § 12. Prior: 1983 c 77 § 1; 1983 c 26 § 1; 1980 c 114 § 2; 1979 c 158 § 122; 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**—1985 c 380: See note following RCW 46.87.010.

**Severability**—1985 c 380: See RCW 46.87.900.

**Effective date**—1971 ex.s. c 231: See note following RCW 46.01.130.

## Chapter 46.04 DEFINITIONS

### Sections

46.04.650	Tractor. (Effective January 1, 1987.)
46.04.653	Truck. (Effective January 1, 1987.)
46.04.655	Truck tractor. (Effective January 1, 1987.)

**46.04.650 Tractor. (Effective January 1, 1987.)** "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. [1986 c 18 § 1; 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.]

**Effective date**—1986 c 18: See note following RCW 46.87.010.

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.04.653 Truck. (Effective January 1, 1987.)** "Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property. [1986 c 18 § 2.]

**Effective date**—1986 c 18: See note following RCW 46.87.010.

**46.04.655 Truck tractor. (Effective January 1, 1987.)** "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles but so constructed as to permit carrying a load in addition to part of the weight of the vehicle and load so drawn. [1986 c 18 § 3.]

**Effective date**—1986 c 18: See note following RCW 46.87.010.

## Chapter 46.08 GENERAL PROVISIONS

### Sections

46.08.066	Publicly owned vehicles—Confidential license plates—Issuance, rules governing.
-----------	--

**46.08.066 Publicly owned vehicles—Confidential license plates—Issuance, rules governing.** (1) Except

as provided in subsection (3) of this section, the department of licensing 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 licensing may issue rules and regulations governing applications for, and the use of, such plates by law enforcement and other public agencies. [1986 c 158 § 20; 1982 c 163 § 14; 1979 c 158 § 128; 1975 1st ex.s. c 169 § 2.]

**Severability**—**Effective date**—1982 c 163: See notes following RCW 2.10.052.

## Chapter 46.09

### OFF-ROAD AND NONHIGHWAY VEHICLES

#### Sections

46.09.020	Definitions.
46.09.030	Use permits—Issuance—Fees.
46.09.050	Vehicles exempted from ORV use permits and tags.
46.09.060	Repealed.
46.09.070	Application for ORV use permit.
46.09.080	ORV dealers—Permits—Fees—Number plates—Violations.
46.09.090	Repealed.
46.09.110	Disposition of ORV moneys.
46.09.130	Additional violations—Penalty.
46.09.170	Refunds from motor vehicle fund—Distribution—Use.
46.09.200	Enforcement.
46.09.240	Administration and distribution of ORV moneys.
46.09.250	State-wide plan.
46.09.260	Repealed.
46.09.270	Repealed.
46.09.280	Committee to advise on administration of chapter.
46.09.290	Earnings of ORV and nonhighway vehicle account.

**46.09.020 Definitions.** As used in this chapter the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:

"Person" means any individual, firm, partnership, association, or corporation.

"Nonhighway vehicle" means any motorized vehicle when used for recreation travel on trails and nonhighway roads or for recreation cross-country travel on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles include but are not limited to, off-road vehicles, two, three, or four-wheel vehicles, motorcycles, four-wheel drive vehicles, dune buggies, 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.

Nonhighway vehicle does not include:

(1) Any vehicle designed primarily for travel on, over, or in the water;

(2) Snowmobiles or any military vehicles; or

(3) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

"Off-road vehicle" or "ORV" means any nonhighway vehicle when used for cross-country travel on trails or on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland and other natural terrain.

"ORV use permit" means a permit issued for operation of an off-road vehicle under this chapter.

"ORV trail" means a multiple-use corridor designated and maintained for recreational travel by off-road vehicles that is not normally suitable for travel by conventional two-wheel drive vehicles and is posted or designated by the managing authority of the property that the trail traverses as permitting ORV travel.

"ORV use area" means the entire area of a parcel of land except for camping and approved buffer areas that is posted or designated for ORV use in accordance with rules adopted by the managing authority.

"ORV recreation facility" includes ORV trails and ORV use areas.

"Owner" means the person other than the lienholder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

"Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.

"Dealer" means a person, partnership, association, or corporation engaged in the business of selling off-road vehicles at wholesale or retail in this state.

"Department" means the department of licensing.

"Hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or wild bird.

"Nonhighway road" means any road owned or managed by a public agency, or any private road for which the owner has granted a permanent easement for public use of the 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 that is not built or maintained with appropriations from the motor vehicle fund.

"Highway," for the purpose of this chapter only, means the entire width between the boundary lines of every way publicly maintained by the state department of transportation 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" means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place. [1986 c 206 § 1; 1979 c 158 § 129; 1977 ex.s. c 220 § 1; 1972 ex.s. c 153 § 3; 1971 ex.s. c 47 § 7.]

**Effective date—1986 c 206:** "This act shall take effect on June 30, 1986." [1986 c 206 § 17.]

**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 off-road vehicles and may appoint agents for collecting fees and issuing permits. The provisions of RCW 46.01.130 and 46.01.140 apply to the issuance of use permits for off-road vehicles as they do to the issuance of vehicle licenses, the appointment of agents and the collection of application fees. [1986 c 206 § 2; 1977 ex.s. c 220 § 2; 1972 ex.s. c 153 § 4; 1971 ex.s. c 47 § 8.]

**Effective date—1986 c 206:** See note following RCW 46.09.020.

**Purpose—1972 ex.s. c 153:** See RCW 67.32.080.

**46.09.050 Vehicles exempted from ORV use permits and tags.** ORV use permits and ORV tags shall be required under the provisions of this chapter except for the following:

(1) Off-road vehicles owned and operated by the United States, another state, or a political subdivision thereof.

(2) Off-road vehicles owned and operated by this state, or by any municipality or political subdivision thereof.

(3) An off-road 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) Off-road vehicles operated on lands owned or leased by the ORV owner or operator or on lands which the operator has permission to operate without an ORV use permit.

(5) Off-road vehicles owned by a resident of another state that have a valid ORV permit or vehicle license issued in accordance with the laws of the other state. This exemption shall apply only to the extent that a similar exemption or privilege is granted under the laws of that state.



(6) Off-road vehicles while being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency.

(7) Vehicles used primarily for construction or inspection purposes during the course of a commercial operation.

(8) Vehicles which are licensed pursuant to chapter 46.16 RCW or in the case of nonresidents, vehicles which are validly licensed for operation over public highways in the jurisdiction of the owner's residence. [1986 c 206 § 3; 1977 ex.s. c 220 § 4; 1972 ex.s. c 153 § 6; 1971 ex.s. c 47 § 10.]

**Effective date**—1986 c 206: See note following RCW 46.09.020.

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.060 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**46.09.070 Application for ORV use permit.** (1) Application for annual or temporary ORV use permits 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 off-road vehicle.

(2) An application for an annual permit shall be signed by at least one owner, and shall be accompanied by a fee of five dollars. Upon receipt of the annual permit application and the application fee, the off-road vehicle shall be assigned a use permit number tag or decal, which shall be affixed to the off-road vehicle in a manner prescribed by the department. The annual permit is valid for a period of one year and is 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 off-road vehicle for which an annual permit has been issued who desires to continue to use the permit must, within fifteen days of the acquisition of the off-road vehicle, make application to the department or its authorized agent for transfer of the permit, and the application shall be accompanied by a transfer fee of one dollar.

(3) A temporary use permit is valid for sixty days. Application for a temporary permit shall be accompanied by a fee of two dollars. The permit shall be carried on the vehicle at all times during its operation in the state.

(4) Except as provided in RCW 46.09.050, any out-of-state operator of an off-road vehicle shall, when operating in this state, comply with this chapter, and if an ORV use permit is required under this chapter, the operator shall obtain an annual or temporary permit and tag. [1986 c 206 § 4; 1977 ex.s. c 220 § 6; 1972 ex.s. c 153 § 8; 1971 ex.s. c 47 § 12.]

**Effective date**—1986 c 206: See note following RCW 46.09.020.

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.080 ORV dealers—Permits—Fees—Number plates—Violations.** (1) Each dealer of off-

road vehicles in this state who does not have a current "dealer's plate" for vehicle use pursuant to chapter 46.70 RCW shall obtain an ORV dealer permit from the department in such manner and upon such forms as the department shall prescribe. Upon receipt of an application for an ORV dealer permit and the fee under subsection (2) of this section, the dealer shall be registered and an ORV dealer permit number assigned.

(2) The fee for ORV dealer permits shall be twenty-five dollars per year, which covers all of the off-road vehicles owned by a dealer and not rented. Off-road vehicles rented on a regular, commercial basis by a dealer shall have separate use permits.

(3) Upon the issuance of an ORV dealer permit each dealer shall purchase, at a cost to be determined by the department, ORV dealer number plates of a size and color to be determined by the department, that contain the dealer ORV permit number assigned to the dealer. Each off-road vehicle operated by a dealer for the purposes of testing or demonstration shall display such number plates assigned pursuant to the dealer permit provisions in chapter 46.70 RCW or this section, in a manner prescribed by the department.

(4) No person other than a dealer or a representative thereof may 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) ORV dealer permit numbers shall be nontransferable.

(6) It is unlawful for any dealer to sell any off-road vehicle at wholesale or retail or to test or demonstrate any off-road vehicle within the state unless he has a motor vehicle dealers' license pursuant to chapter 46.70 RCW or an ORV dealer permit number in accordance with this section. [1986 c 206 § 5; 1977 ex.s. c 220 § 7; 1972 ex.s. c 153 § 9; 1971 ex.s. c 47 § 13.]

**Effective date**—1986 c 206: See note following RCW 46.09.020.

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.090 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**46.09.110 Disposition of ORV moneys.** The moneys collected by the department under this chapter shall be distributed from time to time but at least once a year in the following manner:

The department shall retain enough money to cover expenses incurred in the administration of this chapter: *Provided*, That such retention shall never exceed eighty percent of fees collected.

The remaining moneys shall be distributed by the interagency committee for outdoor recreation in accordance with RCW 46.09.170(1)(d). [1986 c 206 § 6; 1985 c 57 § 60; 1977 ex.s. c 220 § 9; 1972 ex.s. c 153 § 11; 1971 ex.s. c 47 § 16.]

**Effective date**—1986 c 206: See note following RCW 46.09.020.

**Effective date**—1985 c 57: See note following RCW 15.52.320.

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.130 Additional violations—Penalty.** No person may operate a nonhighway vehicle in such a way as to endanger human life or to run down or harass any wildlife or animal, nor carry, transport, or convey any loaded weapon in or upon, nor hunt from, any nonhighway vehicle: *Provided*, That it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a nonhighway vehicle if the person complies with the terms and conditions of chapter 9.41 RCW.

Violation of this section is a gross misdemeanor. [1986 c 206 § 7; 1977 ex.s. c 220 § 11; 1971 ex.s. c 47 § 18.]

*Rules of court: Bail in traffic offense cases—Mandatory appearance—JCrR 2.09.*

*Effective date—1986 c 206:* See note following RCW 46.09.020.

**46.09.170 Refunds from motor vehicle fund—Distribution—Use.** (1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d) (i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of game solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the outdoor recreation account to be administered by the

committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter. [1986 c 206 § 8; 1979 c 158 § 130; 1977 ex.s. c 220 § 14; 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—1986 c 206:* See note following RCW 46.09.020.

*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.

**46.09.200 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, 76.04.035, and 76.04.045. [1986 c 100 § 52; 1971 ex.s. c 47 § 25.]

**46.09.240 Administration and distribution of ORV moneys.** (1) After deducting administrative expenses and the expense of any programs conducted under this chapter, the interagency committee for outdoor recreation shall, at least once each year, distribute the funds it receives under RCW 46.09.110 and 46.09.170 to state agencies, counties, municipalities, federal agencies, and Indian tribes.

The committee shall adopt rules governing applications for funds administered by the agency under this chapter and shall determine the amount of money distributed to each applicant. Agencies receiving funds under this chapter for capital purposes shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews in completing the project.

(2) The interagency committee shall require each applicant for land acquisition or development funds under this section to conduct, before submitting the application, a public hearing in the nearest town of five hundred population or more, and publish notice of such hearing on the same day of each week for two consecutive weeks as follows:

(a) In the newspaper of general circulation published nearest the proposed project;

(b) In the newspaper having the largest circulation in the county or counties where the proposed project is located; and

(c) If the proposed project is located in a county of class four or lower, the notice shall also be published in the newspaper having the largest circulation published in the nearest county that is class three or above.

(3) The notice shall state that the purpose of the hearing is to solicit comments regarding an application being prepared for submission to the interagency committee for outdoor recreation for acquisition or development funds under the off-road and nonhighway vehicle program. The applicant shall file notice of the hearing with the department of ecology at the main office in Olympia and shall comply with the State Environmental Policy Act, chapter 43.21C RCW. A written record and a magnetic tape recording of the hearing shall be included in the application. [1986 c 206 § 9; 1977 ex.s. c 220 § 17.]

**Review of allocations and limitations—Report—1986 c 206:** "The legislative budget committee shall review allocations and limitations on allocations of moneys made in this act. The review shall include an analysis of requests for moneys compared to allocations made in calendar years 1986 and 1987 and shall include the specific functions for which law enforcement and education funds have been expended by grant recipients. The report shall be submitted to the legislature by January 1, 1988." [1986 c 206 § 10.]

**Effective date—1986 c 206:** See note following RCW 46.09.020.

**46.09.250 State-wide plan.** The interagency committee for outdoor recreation shall maintain a state-wide plan which shall be updated at least once every third biennium and shall be used by all participating agencies to guide distribution and expenditure of funds under this chapter. [1986 c 206 § 11; 1977 ex.s. c 220 § 18.]

**Effective date—1986 c 206:** See note following RCW 46.09.020.

**46.09.260 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**46.09.270 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**46.09.280 Committee to advise on administration of chapter.** The interagency committee for outdoor recreation shall establish a committee of nonhighway road recreationists, including representatives of organized ORV groups, to provide advice regarding the administration of this chapter. Only representatives of organized ORV groups may be voting members of the committee with respect to expenditure of funds received under RCW 46.09.110. [1986 c 206 § 13.]

**Effective date—1986 c 206:** See note following RCW 46.09.020.

**46.09.290 Earnings of ORV and nonhighway vehicle account.** All earnings of investments of balances in the ORV and nonhighway vehicle account and the outdoor recreation account shall be credited to the general fund. [1986 c 206 § 14.]

**Effective date—1986 c 206:** See note following RCW 46.09.020.

## Chapter 46.10 SNOWMOBILES

Sections	
46.10.030	Ownership or operation of snowmobile without registration prohibited—Exceptions.
46.10.040	Application for registration—Annual fee—Registration number—Term—Renewal—Transfer—Nonresident permit—Decals.
46.10.220	Snowmobile advisory committee.

**46.10.030 Ownership or 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) A snowmobile owned by a resident of another state or Canadian province if that snowmobile is registered in accordance with the laws of the state or province in which its owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for snowmobiles registered in this state: *Provided*, That any snowmobile which is validly registered in another state or province 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. [1986 c 16 § 1; 1979 ex.s. c 182 § 4; 1975 1st ex.s. c 181 § 1; 1971 ex.s. c 29 § 3.]

**46.10.040 Application for registration—Annual 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 an annual registration fee to be established by the commission, after consultation with the committee, at no more than fifteen dollars. However, the fee shall be ten dollars pending action by the commission to increase the fee. Any increase in the fee shall not exceed two dollars and fifty cents annually, up to the registration fee limit of fifteen 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 the annual registration fee as determined by the commission.

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 or Canadian province 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 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. 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. In addition to the registration fee provided herein the department shall charge each applicant for registration the actual cost of said decal. The department shall make available replacement decals for a fee equivalent to the actual cost of the decals. [1986 c 16 § 2; 1982 c 17 § 2; 1979 ex.s. c 182 § 5; 1973 1st ex.s. c 128 § 1; 1972 ex.s. c 153 § 20; 1971 ex.s. c 29 § 4.]

**Purpose (including policy statement as to certain state lands)—** 1972 ex.s. c 153: See RCW 67.32.080.

**46.10.220 Snowmobile advisory committee.** (1) There is created in the Washington state parks and recreation commission a snowmobile advisory committee to advise the commission regarding the administration of this chapter.

(2) The purpose of the committee is to assist and advise the commission in the planned development of snowmobile facilities and programs.

(3) The committee shall consist of:

(a) Six interested snowmobilers, appointed by the commission; each such member shall be a resident of one of the six geographical areas throughout this state where snowmobile activity occurs, as defined by the commission;

(b) Three representatives of the nonsnowmobiling public, appointed by the commission; and

(c) One representative of the department of natural resources, one representative of the department of game, and one representative of the Washington state association of counties; each of whom shall be appointed by the director of such department or association.

(4) Terms of the members appointed under (3)(a) and (b) of this section shall commence on October 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*, That the first such members shall be appointed for terms as follows: Three members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed for three years.

(5) Members of the committee appointed under (3)(a) and (b) of this section shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended. Expenditures under this subsection shall be from the snowmobile account created by RCW 46.10.075.

(6) The committee may meet at times and places fixed by the committee. The committee shall meet not less than twice each year and additionally as required by the committee chairman or by majority vote of the committee. One of the meetings shall be coincident with a meeting of the commission at which the committee shall provide a report to the commission. The chairman of the committee shall be chosen under rules adopted by the committee from those members appointed under (3)(a) and (b) of this section.

(7) The Washington state parks and recreation commission shall serve as recording secretary to the committee. A representative of the department of licensing shall serve as an ex officio member of the committee and shall be notified of all meetings of the committee. The recording secretary and the ex officio member shall be nonvoting members.

(8) The committee shall adopt rules to govern its proceedings. [1986 c 270 § 9; 1986 c 16 § 3; 1983 c 139 § 1; 1979 ex.s. c 182 § 2.]

**Reviser's note:** This section was amended by 1986 c 16 § 3 and by 1986 c 270 § 9, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

## Chapter 46.12

### CERTIFICATES OF OWNERSHIP AND REGISTRATION

#### Sections

46.12.020	Prerequisite to issuance of vehicle license and plates. (Effective until January 1, 1990.)
46.12.020	Prerequisite to issuance of vehicle license and plates—Allowing unauthorized person to drive, penalty. (Effective January 1, 1990.)
46.12.045	Off-road vehicles, certificate of ownership for title purposes only.

**46.12.020 Prerequisite to issuance of vehicle license and plates.** (Effective until January 1, 1990.) 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.]

**46.12.020 Prerequisite to issuance of vehicle license and plates—Allowing unauthorized person to drive, penalty. (Effective January 1, 1990.)** (1) No vehicle license number plates or certificate of license registration, whether original issues or duplicates, may be issued or furnished by the department unless the applicant, at the same time, makes satisfactory application for a certificate of ownership or presents satisfactory evidence that such a certificate of ownership covering the vehicle has been previously issued.

(2) Except as otherwise provided in this section, no \*renewal or duplicate vehicle license number plates or certificate of license registration, whether original issues or duplicates, and no renewed vehicle license may be issued by the department unless the applicant possesses a valid driver's license. In the case of joint application by more than one person, each applicant shall possess a valid driver's license.

(3) Subsection (2) of this section applies only to applicants who are individual persons and does not apply to corporations.

(4) Subsection (2) of this section does not apply to any applicant with respect to whom the department determines that:

(a) The applicant's driver's license is not currently suspended or revoked and the applicant is not in suspended or revoked status;

(b) The applicant has not been convicted of a violation of RCW 46.20.021, 46.20.342, 46.20.416, 46.20.420, or 46.65.090; and

(c) Circumstances not related to any violation of Title 46 RCW account for the applicant's current lack of a driver's license and the applicant's need to register a vehicle. The applicant shall by affidavit indicate:

(i) The reason for the applicant's lack of a driver's license;

(ii) The need the applicant has for registering a vehicle; and

(iii) That the applicant will not knowingly allow a person without a driver's license to drive any vehicle registered in the applicant's name.

(5) It is unlawful for any person in whose name a vehicle is registered knowingly to allow another person to drive the vehicle knowing that the other person is not authorized to do so under the laws of this state.

(6) A violation of subsection (5) of this section, or a knowingly made material misstatement on an affidavit under subsection (4)(c) of this section is a misdemeanor.

(7) No denial under this section of issuance or of renewal of plates or certificates affects the right of any person to maintain, transfer, or acquire title in any vehicle. Unless the parties to the contract agree otherwise, no such denial affects the rights or obligations of any party to a contract for the purchase, or for the financing of the purchase, of a motor vehicle. [1985 c 424 § 1; 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.]

\*Reviser's note: The words "renewal or duplicate" appear in this section due to a legislative engrossing error and contrary to the free conference report that indicated they were to be removed.

**Effective date—1985 c 424:** "This act shall take effect on January 1, 1990." [1986 c 174 § 1; 1985 c 424 § 2.]

**Legislative recognition—1986 c 174:** "The legislature recognizes that a program to require a person to possess a valid driver's license as a prerequisite for the registration of motor vehicles can help improve highway safety in the state. The legislature also recognizes that such a program should be carefully analyzed and planned before implementation to ensure that it is as cost effective as possible." [1986 c 174 § 2.]

**Review of 1985 c 424 by legislative transportation committee:** "The legislative transportation committee shall review the merits and costs of implementing the program established by chapter 424, Laws of 1985, including data on deaths and injuries caused by unlicensed drivers, and report back to the legislature prior to January 1, 1989." [1986 c 174 § 3.]

**46.12.045 Off-road vehicles, certificate of ownership for title purposes only.** The department shall issue a certificate of ownership valid for title purposes only to the owner of an off-road vehicle as defined in RCW 46.09-.020. The owner shall pay the fees established by RCW 46.12.040. Issuance of such certificate does not qualify the vehicle for licensing under chapter 46.16 RCW. [1986 c 186 § 4.]

**Chapter 46.16  
VEHICLE LICENSES**

Sections	
46.16.010	Licenses and plates required—Penalties— Exceptions.
46.16.012	Immunity from liability for licensing nonroadworthy vehicle.
46.16.020	Exemptions—State and publicly owned vehicles— Registration.
46.16.022	Exemptions—Vehicles owned by Indian tribes— Conditions.
46.16.028	"Resident" defined—Vehicle registration required.
46.16.060	License fee, general—Distribution of proceeds— House-moving dollies. (Effective January 1, 1987.)
46.16.061	Additional fees to help defray costs of studies. (Effec- tive January 1, 1987.)
46.16.070	License fees on trucks, buses, and for hire vehicles based on gross weight. (Effective January 1, 1987.)
46.16.079	Fixed load motor vehicle equipped for lifting or tow- ing—Capacity fee in addition to and in lieu. (Effec- tive January 1, 1987.)
46.16.080	Fixed load machines—Capacity fee in addition to and in lieu—Exception. (Effective January 1, 1987.)
46.16.083	Converter gear—Optional methods of licensing. (Ef- fective January 1, 1987.)
46.16.085	Commercial trailers, converter gear—Fee in lieu. (Ef- fective January 1, 1987.)
46.16.088	Transfer of license plates—Penalty. (Effective Janu- ary 1, 1987.)
46.16.090	Gross weight fees on farm vehicles—Penalty. (Effec- tive January 1, 1987.)
46.16.111	Gross weight, how computed. (Effective January 1, 1987.)
46.16.115	Repealed. (Effective January 1, 1987.)
46.16.130	Repealed. (Effective January 1, 1987.)
46.16.135	Monthly license fee—Penalty. (Effective January 1, 1987.)
46.16.140	Overloading licensed capacity—Additional li- cense—Penalties—Exceptions. (Effective January 1, 1987.)

- 46.16.170 Marking gross weight on vehicle. (Effective January 1, 1987.)
- 46.16.225 Adjustment of vehicle registration periods to stagger renewal periods. (Effective January 1, 1987.)
- 46.16.260 License registration certificate—Signature required—Carried in vehicle—Penalty—Inspection—Exception. (Effective January 1, 1987.)
- 46.16.270 Replacement of plates—Fee.
- 46.16.275 Repealed.
- 46.16.276 Implementing rules.
- 46.16.280 Sale, loss, or destruction of commercial vehicle—Credit for unused fee—Change in license classification. (Effective January 1, 1987.)
- 46.16.290 License certificate and plates follow vehicle on transfer—Exceptions. (Effective January 1, 1987.)
- 46.16.340 License plates for amateur radio operators—Information furnished to community development, state patrol, county sheriffs.
- 46.16.370 Repealed.
- 46.16.381 Special parking privileges for disabled persons—Penalties for unauthorized use or parking.
- 46.16.570 Personalized license plates—Design.
- 46.16.650 State centennial license plates—Design, issuance, revenues.
- 46.16.660 State centennial license plates—Fleet issuance.

**46.16.010 Licenses and plates required—Penalties—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. Failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof shall be punished by a fine of no less than one hundred sixty-five dollars, no part of which may be suspended or deferred. Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

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 fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: *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. [1986 c 186 § 1; 1977 ex.s. c 148 § 1; 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.]

*Rules of court: Monetary penalty schedule—JTIR 6.2.*

**46.16.012 Immunity from liability for licensing nonroadworthy vehicle.** The director, the state of Washington, and its political subdivisions shall be immune from civil liability arising from the issuance of a vehicle license to a nonroadworthy vehicle. [1986 c 186 § 5.]

**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, or owned or leased by the governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior, 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, political subdivision, or Indian tribe, except a foreign government or international body, shall pay a fee of two dollars for the plate or plates for each vehicle. An Indian tribe is not entitled to license and register any tribal government service vehicle under this section if that tribe itself licenses or registers any tribal government service vehicles under tribal law. 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 the director's duly authorized representative. [1986 c 30 § 1; 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.

*Special license plates issued without fee*

*Congressional Medal of Honor recipients: RCW 46.16.620.  
disabled veterans, prisoners of war: RCW 73.04.110.*

**46.16.022 Exemptions—Vehicles owned by Indian tribes—Conditions.** (1) The provisions of this chapter relating to licensing of vehicles by this state, including the display of vehicle license number plates and license registration certificates, do not apply to vehicles owned or leased by the governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior, only when:

- (a) The vehicle is used exclusively in tribal government service; and
- (b) The vehicle has been licensed and registered under a law adopted by such tribal government; and
- (c) Vehicle license number plates issued by the tribe showing the initial or abbreviation of the name of the tribe are displayed on the vehicle substantially as provided therefor in this state; and
- (d) The tribe has not elected to receive any Washington state license plates for tribal government service vehicles pursuant to RCW 46.16.020; and

(e) If required by the department, the tribe provides the department with vehicle description and ownership information similar to that required for vehicles registered in this state, which may include the model year, make, model series, body type, type of power (gasoline, diesel, or other), VIN, and the license plate number assigned to each government service vehicle licensed by that tribe.

(2) The provisions of this section are operative as to a vehicle owned or leased by an Indian tribe located within this state and used exclusively in tribal government service only to the extent that under the laws of the tribe like exemptions and privileges are granted to all vehicles duly licensed under the laws of this state for operation of such vehicles on all tribal roads within the tribe's reservation. If under the laws of the tribe, persons operating vehicles licensed by this state are required to pay a license or registration fee or to carry or display vehicle license number plates or a registration certificate issued by the tribe, the tribal government shall comply with the provisions of this state's laws relating to the licensing and registration of vehicles operating on the highways of this state. [1986 c 30 § 2.]

**46.16.028 "Resident" defined—Vehicle registration required.** (1) For the purposes of vehicle license registration, a resident is a person who:

- (a) Owns a vehicle that is licensable under this chapter and that is physically present in the state of Washington more than six months in any continuous twelve-month period; or
- (b) Resides in this state more than six months in any continuous twelve-month period; or
- (c) Becomes a registered voter in this state; or
- (d) Receives benefits under one of the Washington public assistance programs; or
- (e) Declares himself to be a resident for the purpose of obtaining a state license or tuition fees at resident rates.

(2) A resident of the state shall register under chapters 46.12 and 46.16 RCW a vehicle to be operated on the highways of the state. [1986 c 186 § 2; 1985 c 353 § 1.]

**Effective date**—1985 c 353: "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, except for section 1 of this act, which shall take effect September 1, 1985." [1985 c 353 § 6.]

**46.16.060 License fee, general—Distribution of proceeds—House-moving dollies.** (Effective January 1, 1987.) (1) Except for vehicles already so taxed in RCW 46.16.070 and 46.16.085 or 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 of twenty-three dollars 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 of nineteen dollars. The proceeds of such fees shall be distributed in accordance with RCW 46.68.030. 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.

(2) The department of licensing, county auditors, and other authorized agents shall collect for any registration year any increase in the fees authorized by this section for the months of that registration year in which any such increase is effective in the same manner and at the same time as such fees for that registration year would otherwise be collected as provided by law. [1985 c 380 § 13; 1981 c 342 § 8; 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—1985 c 380: See note following RCW 46.87.010.

Severability—1985 c 380: See RCW 46.87.900.

Effective date—Severability—1981 c 342: See notes following RCW 82.36.010.

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.]

Free license plates for certain disabled veterans: RCW 73.04.110.

**46.16.061 Additional fees to help defray costs of studies.** (Effective January 1, 1987.) In addition to all other fees prescribed by law, a fee of \$.10 shall be paid for each motor vehicle not otherwise taxed in RCW 46.16.070 or 46.16.085.

The fee shall be deposited in the motor vehicle fund, and shall be used by the legislative transportation committee and the state department of transportation to help defray the costs of special highway studies and other studies as provided for by law and for other necessary expenses of the committee. [1985 c 380 § 14; 1984 c 7 § 49; 1963 ex.s. c 3 § 40.]

Effective date—1985 c 380: See note following RCW 46.87.010.

Severability—1985 c 380: See RCW 46.87.900.

Severability—1984 c 7: See note following RCW 47.01.141.

**46.16.070 License fees on trucks, buses, and for hire vehicles based on gross weight.** (Effective January 1, 1987.) In lieu of all other vehicle licensing fees and in addition to the excise tax prescribed in chapter 82.44 RCW and the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of six or more, based upon the declared combined gross vehicle weight or declared gross vehicle weight thereof, the following licensing fees by such gross vehicle weight:

4,000 lbs. ....	\$ 27.75
6,000 lbs. ....	\$ 32.72
8,000 lbs. ....	\$ 40.30
10,000 lbs. ....	\$ 45.37

12,000 lbs. ....	\$ 52.62
14,000 lbs. ....	\$ 59.86
16,000 lbs. ....	\$ 67.31
18,000 lbs. ....	\$ 99.02
20,000 lbs. ....	\$ 109.94
22,000 lbs. ....	\$ 118.76
24,000 lbs. ....	\$ 127.95
26,000 lbs. ....	\$ 135.08
28,000 lbs. ....	\$ 158.66
30,000 lbs. ....	\$ 182.18
32,000 lbs. ....	\$ 218.78
34,000 lbs. ....	\$ 232.06
36,000 lbs. ....	\$ 251.39
38,000 lbs. ....	\$ 275.51
40,000 lbs. ....	\$ 314.99
42,000 lbs. ....	\$ 327.16
44,000 lbs. ....	\$ 334.02
46,000 lbs. ....	\$ 358.91
48,000 lbs. ....	\$ 374.19
50,000 lbs. ....	\$ 405.36
52,000 lbs. ....	\$ 426.45
54,000 lbs. ....	\$ 460.02
56,000 lbs. ....	\$ 485.21
58,000 lbs. ....	\$ 504.53
60,000 lbs. ....	\$ 537.29
62,000 lbs. ....	\$ 575.50
64,000 lbs. ....	\$ 588.75
66,000 lbs. ....	\$ 655.14
68,000 lbs. ....	\$ 682.99
70,000 lbs. ....	\$ 735.14
72,000 lbs. ....	\$ 785.36
74,000 lbs. ....	\$ 853.15
76,000 lbs. ....	\$ 922.05
78,000 lbs. ....	\$ 1,006.10
80,000 lbs. ....	\$ 1,085.95

The proceeds from such fees shall be distributed in accordance with RCW 46.68.035.

Every motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.85, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the 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. [1986 c 18 § 4; 1985 c 380 § 15; 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 date—1986 c 18: See note following RCW 46.87.010.

Severability—1985 c 380: See RCW 46.87.900.

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.]

**Effective date—1969 ex.s. c 281:** See note following RCW 46.88.010.

**Severability—Effective dates—1967 ex.s. c 83:** See RCW 47.26.900 and 47.26.910.

**46.16.079 Fixed load motor vehicle equipped for lifting or towing—Capacity fee in addition to and in lieu. (Effective January 1, 1987.)** The licensee of any fixed load motor vehicle equipped for lifting or towing any disabled, impounded, or abandoned vehicle or part thereof, may pay a capacity fee of twenty-five dollars in addition to all other fees required for the annual licensing of motor vehicles in lieu of the licensing fees provided in RCW 46.16.070. [1986 c 18 § 5; 1975 c 25 § 16; 1963 c 18 § 1.]

**Effective date—1986 c 18:** See note following RCW 46.87.010.

**46.16.080 Fixed load machines—Capacity fee in addition to and in lieu—Exception. (Effective January 1, 1987.)** In lieu of the licensing fee provided for motor vehicles in RCW 46.16.070 there shall be collected, in addition to all other fees required for annual licensing of vehicles:

(1) A capacity fee of five dollars on any motor truck, truck tractor, 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, truck tractor, tractor, trailer, or semitrailer;

(2) No fee may be collected under this section or under RCW 46.16.085 on any travel trailer that will be charged fees and taxes under RCW 46.01.140, 46.16.060, 46.16.063 and chapter 82.50 RCW;

(3) For each vehicle used exclusively in the transportation of circus, carnival, and show equipment and in the transportation of supplies used in conjunction therewith, a capacity fee of ten dollars shall be charged in addition to all other fees required for the annual licensing of these vehicles. [1986 c 18 § 6; 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.]

**Effective date—1986 c 18:** See note following RCW 46.87.010.

**46.16.083 Converter gear—Optional methods of licensing. (Effective January 1, 1987.)** 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 the load must be included in the licensed gross weight of the power unit. [1986 c 18 § 7; 1969 ex.s. c 170 § 4; 1961 c 12 § 46.16.083. Prior: 1959 c 319 § 22; 1955 c 384 § 9.]

**Effective date—1986 c 18:** See note following RCW 46.87.010.

**46.16.085 Commercial trailers, converter gear—Fee in lieu. (Effective January 1, 1987.)** In lieu of all other licensing fees, an annual license fee of thirty-five dollars shall be collected in addition to the excise tax prescribed in chapter 82.44 RCW for: (1) Each trailer and semitrailer not subject to the license fee under RCW 46.16.065; (2) every pole trailer; (3) every converter gear or auxiliary axle not licensed as a combination under the provisions of RCW 46.16.083. The proceeds from this fee shall be distributed in accordance with RCW 46.68.035. This section does not pertain to travel trailers or personal use trailers that are not used for commercial purposes or owned by commercial enterprises. [1986 c 18 § 8; 1985 c 380 § 16.]

**Effective date—1986 c 18:** See note following RCW 46.87.010.

**Severability—1985 c 380:** See RCW 46.87.900.

**46.16.088 Transfer of license plates—Penalty. (Effective January 1, 1987.)** Except as provided in RCW 46.16.290, the transfer of license plates issued pursuant to this chapter between two or more vehicles is a traffic infraction subject to a fine not to exceed five hundred dollars. Any law enforcement agency that determines that a license plate has been transferred between two or more vehicles shall confiscate the license plates and return them to the department for nullification along with full details of the reasons for confiscation. Each vehicle identified in the transfer will be issued a new license plate upon application by the owner or owners thereof and payment of the full fees and taxes. [1986 c 18 § 9; 1985 c 380 § 17.]

**Effective date—1986 c 18:** See note following RCW 46.87.010.

**Severability—1985 c 380:** See RCW 46.87.900.

**46.16.090 Gross weight fees on farm vehicles—Penalty. (Effective January 1, 1987.)** Motor trucks, truck tractors, and tractors may be specially licensed based on the declared gross weight thereof for the various amounts set forth in the schedule provided in RCW 46.16.070 less twenty-two dollars; divide the difference by two and add twenty-two dollars, when such vehicles are owned and operated by farmers, but only if the following condition or conditions exist:

(1) When such vehicles are to be used for the transportation of the farmer's own farm, orchard, or dairy products, or the farmer's own private sector cultured aquatic products as defined in RCW 15.85.020, from

point of production to market or warehouse, and of supplies to be used on the farmer's farm. Fish other than those that are such private sector cultured aquatic products and forestry products are not considered as farm products; and/or

(2) When such vehicles are to be used for the infrequent or seasonal transportation by one farmer for another farmer in the farmer's neighborhood of products of the farm, orchard, dairy, or aquatic farm owned by the other farmer from point of production to market or warehouse, or supplies to be used on the other farm, but only if transportation for another farmer is for compensation other than money. Farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on such vehicles, when used in the transportation of the farmer's own farm machinery between the farmer's own farm or farms and for a distance of not more than thirty-five miles from the farmer's 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 the effect that the vehicle 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 to indicate that the vehicle is specially licensed, or may, in its discretion, substitute a special license plate for such vehicle for such designation.

Operation of such a specially licensed vehicle in transportation upon public highways in violation of the limitations of this section is a traffic infraction. [1986 c 18 § 10. Prior: 1985 c 457 § 16; 1985 c 380 § 18; 1979 ex.s. c 136 § 45; 1977 c 25 § 1; 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.]

**Effective date**—1986 c 18: See note following RCW 46.87.010.

**Severability**—1985 c 380: See RCW 46.87.900.

**Effective date**—**Severability**—1979 ex.s. c 136: See notes following RCW 46.63.010.

**46.16.111 Gross weight, how computed.** (Effective January 1, 1987.) The maximum gross weight in the case of any motor truck, tractor, or truck tractor shall be the scale weight of the motor truck, tractor, or truck tractor, plus the scale weight of any trailer, semitrailer, converter gear, 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 the application. If the sum of the scale weight and maximum load of the trailer is not greater than four thousand pounds, that sum shall not be computed as part of the maximum gross weight of any motor truck, tractor, or truck tractor. Where the trailer is a utility trailer, travel trailer, horse trailer, or boat trailer, for the personal use of the owner of the truck, tractor, 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, tractor, or truck tractor. The weight of any camper is exempt from the determination of gross weight in the computation of any licensing fees required under RCW 46.16.070.

The maximum gross weight in the case of any bus, auto stage, or for hire vehicle, except taxicabs, with a seating capacity over six, shall be the scale weight of each bus, auto stage, and for hire vehicle plus the seating capacity, including the operator's seat, computed at one hundred and fifty pounds per seat. [1986 c 18 § 11; 1971 ex.s. c 231 § 1; 1969 ex.s. c 170 § 6; 1967 ex.s. c 83 § 57.]

**Effective date**—1986 c 18: See note following RCW 46.87.010.

**Effective date**—1971 c 231: See note following RCW 46.01.130.

**Severability**—**Effective dates**—1967 ex.s. c 83: See RCW 47-26.900 and 47.26.910.

**46.16.115 Repealed.** (Effective January 1, 1987.) See Supplementary Table of Disposition of Former RCW Sections, this volume.

**46.16.130 Repealed.** (Effective January 1, 1987.) See Supplementary Table of Disposition of Former RCW Sections, this volume.

**46.16.135 Monthly license fee—Penalty.** (Effective January 1, 1987.) The annual vehicle licensing fees as provided in RCW 46.16.070 for any motor vehicle or combination of vehicles having a declared gross weight in excess of twelve thousand pounds may be paid for any full registration month or months at one-twelfth of the usual annual fee plus two dollars, this sum to be multiplied by the number of full months for which the fees are paid if for less than a full year. An additional fee of two dollars shall be collected each time a license fee is paid.

Operation of a vehicle licensed under the provisions of this section by any person upon the public highways after the expiration of the monthly license is a traffic infraction, and in addition the person shall be required to pay a license fee for the vehicle involved covering an entire registration year's operation, less the fees for any registration month or months of the registration year already paid. If, within five days, no license fee for a full registration year has been paid 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. [1986 c 18 § 12; 1985 c 380 § 19; 1979 ex.s. c 136 § 46; 1979 c 134 § 1; 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 date**—1986 c 18: See note following RCW 46.87.010.

**Severability**—1985 c 380: See RCW 46.87.900.

**Effective date**—**Severability**—1979 ex.s. c 136: See notes following RCW 46.63.010.

**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.

**46.16.140 Overloading licensed capacity—Additional license—Penalties—Exceptions.** (Effective January 1, 1987.) It is a traffic infraction for any person to operate, or cause, permit, or suffer to be operated upon a public highway of this state any bus, auto stage, motor truck, truck tractor, or tractor, with passengers, or with a maximum gross weight, in excess of that for which the motor vehicle or combination is licensed.

Any person who operates or causes to be operated upon a public highway of this state any motor truck, truck tractor, or tractor 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 failure to secure such new license is a traffic infraction. No such person may be permitted or required to purchase the new license for a gross weight or combined gross weight which would exceed the maximum gross weight or combined gross weight allowed by law. This section does not apply to for hire vehicles, buses, or auto stages operating principally within cities and towns. [1986 c 18 § 13; 1979 ex.s. c 136 § 47; 1961 c 12 § 46.16.140. Prior: 1955 c 384 § 16; 1951 c 269 § 18; 1937 c 188 § 25, part; RRS § 6312-25, part.]

**Effective date—1986 c 18:** See note following RCW 46.87.010.

**Effective date—Severability—1979 ex.s. c 136:** See notes following RCW 46.63.010.

**46.16.170 Marking gross weight on vehicle.** (Effective January 1, 1987.) Every motor truck, truck tractor, and tractor 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 or combined gross weight for which the same is licensed, as provided in this chapter. It is unlawful for the owner or operator of any vehicle to display a maximum gross weight or combined gross weight other than that shown on the current certificate of license registration of the vehicle. [1986 c 18 § 14; 1961 c 12 § 46.16.170. Prior: 1937 c 188 § 19; RRS § 6312-19.]

**Effective date—1986 c 18:** See note following RCW 46.87.010.

**46.16.225 Adjustment of vehicle registration periods to stagger renewal periods.** (Effective January 1, 1987.) Notwithstanding any provision of law to the contrary, the department 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 of the department adopted in accordance with the provisions of chapter 34.04 RCW. The 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 the system. The rules shall provide for the collection of proportionately increased or decreased vehicle

license registration fees 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 and maintaining a staggered vehicle registration system. [1986 c 18 § 15; 1979 c 158 § 140; 1975 1st ex.s. c 118 § 2.]

**Effective date—1986 c 18:** See note following RCW 46.87.010.

**Effective date—Severability—1975 1st ex.s. c 118:** See notes following RCW 46.16.006.

**46.16.260 License registration certificate—Signature required—Carried in vehicle—Penalty—Inspection—Exception.** (Effective January 1, 1987.) 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 department. It shall be unlawful for any person to operate or have in his possession a vehicle without carrying thereon such certificate of license registration. 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. This section does not apply to a vehicle for which annual renewal of its license plates is not required and which is marked in accordance with the provisions of RCW 46.08.065. [1986 c 18 § 16; 1979 ex.s. c 113 § 3; 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.]

**Effective date—1986 c 18:** See note following RCW 46.87.010.

**46.16.270 Replacement of plates—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, or upon the owner's option, 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, if appropriate and 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 the director's authorized agent, accompanied by the certificate of license registration of the vehicle and a fee in the amount of three dollars per plate, whereupon the director, or the director's 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 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 the 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. 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, or owned or leased by the governing body of an Indian tribe as defined in RCW 46.16.020, 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. 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. [1986 c 280 § 4; 1986 c 30 § 3; 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.]

**Reviser's note:** This section was amended by 1986 c 30 § 3 and by 1986 c 280 § 4, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**46.16.275 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**46.16.276 Implementing rules.** The director may make and enforce rules to implement this chapter. [1986 c 30 § 4.]

**46.16.280 Sale, loss, or destruction of commercial vehicle—Credit for unused fee—Change in license classification.** (Effective January 1, 1987.) In case of loss, destruction, sale, or transfer of any motor vehicle subject to the license fees under RCW 46.16.070, the registered owner thereof may, under the following conditions, obtain credit for the unused portion of the licensing fee paid for the vehicle:

(1) The licensing fee paid for the motor vehicle will be reduced by one-twelfth for each calendar month and fraction thereof elapsing between the first month of the current registration year in which the motor vehicle was registered and the month the registrant surrenders the vehicle's registration certificate for the registration year to the department or an authorized agent of the department.

(2) If any such credit is less than fifteen dollars, no credit may be given.

(3) The credit may only be applied against the licensing fee liability due under RCW 46.16.070 for the replacement motor vehicle. The credit may only be used during the registration year from which it was obtained.

(4) In no event is such credit subject to refund.

Whenever 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, the current license plates shall be surrendered to the department. New license plates shall be issued upon application accompanied by a one dollar fee 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 department and forwarded with the proper fee to the department or the office of a duly authorized agent of the department. [1986 c 18 § 17; 1967 c 32 § 20; 1961 c 12 § 46.16.280. Prior: 1947 c 164 § 14; 1937 c 188 § 38; Rem. Supp. 1947 § 6312-38.]

**Effective date—1986 c 18:** See note following RCW 46.87.010.

**46.16.290 License certificate and plates follow vehicle on transfer—Exceptions.** (Effective January 1, 1987.) In any case of a valid sale or transfer of the ownership of any vehicle, the right to the certificates properly transferable therewith, except as provided in RCW 46.16.280, and to the vehicle license plates passes to the purchaser or transferee. It is unlawful for the holder of such certificates, except as provided in RCW 46.16.280, or vehicle license plates to fail, neglect, or refuse to endorse the certificates and deliver the vehicle license plates to the purchaser or transferee. If the sale or transfer is 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, or, if the vehicle is licensed with personalized plates, amateur radio operator plates, medal of honor plates, disabled person plates, disabled veteran plates, or prisoner of war plates, the vehicle license plates therefor shall be retained and may be displayed upon a vehicle obtained in replacement of the vehicle so sold or transferred. [1986 c 18 § 18; 1983 c 27 § 2; 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.]

**Effective date—1986 c 18:** See note following RCW 46.87.010.

**46.16.340 License plates for amateur radio operators—Information furnished to community development, state patrol, county sheriffs.** The director, from time to time, shall furnish the state department of community development, 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. [1986 c 266 § 49; 1985 c 7 § 112; 1974 ex.s. c 171 § 43; 1967 c 32 § 23; 1961 c 12 § 46.16.340. Prior: 1957 c 145 § 3.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**46.16.370 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**46.16.381 Special parking privileges for disabled persons—Penalties for unauthorized use or parking.** (1) The director shall grant special parking privileges to any person who meets one of the following criteria:

- (a) Loss of both lower limbs;
- (b) Loss of normal or full use of the lower limbs to sufficiently constitute a severe disability;
- (c) Is so severely disabled, that the person cannot move without the aid of crutches or a wheelchair;
- (d) Loss of both hands;
- (e) Suffers from lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second; or
- (f) Impairment by cardiovascular disease to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association.

(2) Persons with special parking privileges are entitled to receive from the department of licensing both a special card to be left in a vehicle in a conspicuous place and, for one motor vehicle only, a decal to be attached to the vehicle in a conspicuous place designated by the director. Instead of the decal and regular motor vehicle license plates, the disabled persons are entitled to receive a special license plate. The card, decal, and special license plate shall be designed to show distinguishing marks, letters, or numerals indicating that the vehicle is being used to transport a disabled person. Persons using vehicles displaying the special license plate, card, or decal shall be permitted to park in places otherwise reserved for physically disabled persons. The director shall also adopt rules providing for the issuance of special cards to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, senior citizen centers, and private nonprofit agencies as defined in chapter 24.03 RCW that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. The special card shall be displayed in a vehicle operated when actually transporting the disabled persons. Public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies are responsible for insuring that the special cards are not used improperly and are responsible for all fines and penalties for improper use.

(3) Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special decals or license plate shall be removed from the motor vehicle. The person shall immediately surrender the decal to the director together with a notice of the transfer of interest in the vehicle. If another vehicle is acquired by, or for the primary use of, the disabled person, a new decal shall be issued by the director. If another vehicle is acquired by the disabled person and a special plate is used, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the disabled person, the removed plate shall be immediately forwarded to the director to be reissued later upon payment of the regular registration fee.

(4) The special license plate shall be renewed in the same manner and at the time required for the renewal of

regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who is permanently disabled under this section shall be issued a permanent card. A person who is temporarily disabled under this section shall be issued a temporary card which shall be renewed, when required by the director, by satisfactory proof of the right to continued use of the card.

(5) Additional fees shall not be charged for the issuance of the special card and decal, and, at the time the vehicle is originally licensed in this state, no additional fee may be charged for the issuance of the special license plate except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon initial registration of a motor vehicle.

(6) Any unauthorized use of the special card, the decal, or the special license plate is a traffic infraction.

(7) It is a traffic infraction, with a monetary penalty of not less than fifteen and not more than fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate, card, or decal. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate, card, or decal required under this section or demonstrates that the person was entitled to the special license plate, card, or decal.

(8) It is a misdemeanor for any person to wilfully obtain a special decal, license plate, or card in a manner other than that established under this section. [1986 c 96 § 1; 1984 c 154 § 2.]

**Intent—1984 c 154:** "The legislature intends to extend special parking privileges to persons with disabilities that substantially impair mobility." [1984 c 154 § 1.]

**Application—1984 c 154:** "This act applies to special license plates, cards, or decals issued after June 7, 1984. Nothing in this act invalidates special license plates, cards, or decals issued before June 7, 1984." [1984 c 154 § 9.]

**Severability—1984 c 154:** "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." [1984 c 154 § 10.]

**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 seven positions unless proposed by the department and approved by the Washington state patrol and not less than one position, to the extent 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*, That the maximum number of positions on personalized license plates for motorcycles shall be designated by the department. [1986 c 108 § 1; 1983 1st ex.s. c 24 § 1; 1975 c 59 § 3; 1973 1st ex.s. c 200 § 4.]

**Effective dates—1983 1st ex.s. c 24:** "Section 2 of this 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 on July 1, 1983. Section 1 of this act takes

effect on July 1, 1984." [1983 1st ex.s. c 24 § 4.] "Section 2 of this act" consisted of the amendment to RCW 46.16.605 by 1983 1st ex.s. c 24. "Section 1 of this act" consisted of the amendment to RCW 46.16.570 by 1983 1st ex.s. c 24.

**46.16.650 State centennial license plates—Design, issuance, revenues.** In order to help publicize and commemorate the state's 1989 anniversary celebration of its admission to the Union, a new centennial design shall be developed by the department for vehicle license plates that uses reflectorized materials necessary to provide adequate visibility and legibility at night.

The centennial plates shall be developed in cooperation with the design selection committee appointed by the director. The committee shall include representation from the Washington centennial commission.

Registration numbers and letters for the centennial plate shall be assigned by the department in accordance with established procedures. Distribution of the centennial license plates shall commence January 1, 1987, to all new vehicle registrations and license plate replacements. In addition, the centennial plate shall be available for purchase by all other vehicle owners at the owner's option.

Revenues generated from the centennial plate shall go in part to support local and state centennial activities as provided in \*RCW 27.60.080. In addition to the basic fees for new vehicle registrations provided in RCW 46.16.060, persons purchasing centennial plates shall pay an additional fee of one dollar per plate to be distributed as follows: From January 1, 1987, through June 30, 1989, one-half of the fee shall be deposited in the centennial commission account of the general fund, and the remainder shall be deposited in the motor vehicle fund. Commencing July 1, 1989, the total one dollar per plate fee shall be deposited in the motor vehicle fund. [1986 c 280 § 1.]

\*Reviser's note: A literal translation of the session law reference to "section 2 of this act" would have been to RCW 46.16.660. That section, however, does not deal with support of centennial activities, but section 3, codified as RCW 27.60.080, does direct the distribution of revenues for such purposes.

**46.16.660 State centennial license plates—Fleet issuance.** A fleet shall qualify for centennial plates to be issued in consecutive order if available. [1986 c 280 § 2.]

## Chapter 46.20

### DRIVERS' LICENSES—IDENTICARDS

#### Sections

46.20.041	Physically or mentally disabled persons—Procedure—Restrictions—Violations—Penalty.
46.20.055	Instruction permits and temporary licenses.
46.20.092	Repealed.
46.20.095	Information on proper use of left-hand lane.
46.20.117	Identicards.
46.20.308	Implied consent—Revocation, etc., for refusal to submit to tests to determine alcoholic content of blood.

**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 that person's ability to drive a motor vehicle, to demonstrate personally that notwithstanding such disability or disease he or she is a proper person to drive a motor vehicle. The department may in addition require such person to obtain a certificate showing his or her condition signed by a licensed physician or other proper authority designated by the department. The certificate shall be for the confidential use of the director and the chief of the Washington state patrol and for such other cognizant public officials as may be designated by law. It shall be exempt from public inspection and copying notwithstanding the provisions of chapter 42.17 RCW. The certificate may not be offered as evidence in any court except when appeal is taken from the order of the director suspending, revoking, canceling, or refusing a vehicle driver's license. However, the certificate may be made available to the director of the department of retirement systems for use in determining eligibility for or continuance of disability benefits and it may be offered and admitted as evidence in any administrative proceeding or court action concerning such disability benefits.

(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 traffic infraction for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him or her. [1986 c 176 § 1; 1979 ex.s. c 136 § 54; 1979 c 61 § 2; 1965 ex.s. c 121 § 5.]

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

**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 a driver's or motorcyclist's instruction permit.

(a) A driver's instruction permit entitles the permittee while having the permit in immediate possession to drive

a motor vehicle upon the public highways for a period of one year when accompanied by a licensed driver who has had at least five years of driving experience and is occupying a seat beside the driver. Except as provided in subsection (c) of this subsection, only one additional permit, valid for one year, may be issued.

(b) A motorcyclist's instruction permit entitles the permittee while having the permit in immediate possession to drive a motorcycle upon the public highways for a period of ninety days as provided in RCW 46.20.510(3). Except as provided in subsection (c) of this subsection, only one additional permit, valid for ninety days, may be issued.

(c) The department after investigation may issue a third driver's or motorcyclist's instruction permit when it finds that the permittee is diligently seeking to improve driving proficiency.

(2) The department may waive the examination, except as to eyesight and other potential physical restrictions, for any applicant who is enrolled in either a traffic safety education course as defined by \*RCW 46.81.010(2) or a course of instruction offered by a licensed driver training school as defined by RCW 46.82.280(1) at the time the application is being considered by the department. The department may require proof of registration in such a course as it deems necessary.

(3) The department upon receiving proper application may in its discretion issue a driver's 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 having the permit in immediate possession to drive a motor vehicle only when an approved instructor or other licensed driver with at least five years of driving experience, is occupying a seat beside the permittee.

(4) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting the applicant 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 the permittee's immediate possession while driving a motor vehicle, and it shall be invalid when the permittee's license has been issued or for good cause has been refused. [1986 c 17 § 1; 1985 c 234 § 1; 1981 c 260 § 10. Prior: 1979 c 63 § 1; 1979 c 61 § 3; 1969 ex.s. c 218 § 8; 1965 ex.s. c 121 § 7.]

\*Reviser's note: RCW 46.81.010(2) was recodified as RCW 28A.08.010(2) in September 1985.

**46.20.092 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**46.20.095 Information on proper use of left-hand lane.** The department shall include information on the proper use of the left-hand lane on multilane highways

in its instructional publications for drivers. [1986 c 93 § 3.]

*Keep right except when passing, etc.: RCW 46.61.100.*

**46.20.117 Identicards.** (1) The department shall issue "identicards," containing a picture, to individuals for a fee of four dollars. However, 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. The fee shall be deposited in the highway safety fund. To be eligible, each applicant shall produce evidence as required by the rules adopted by the director that positively proves identity. The "identicard" shall be distinctly designed so that it will not be confused with the official driver's license. The identicard shall expire on the fifth anniversary of the applicant's birthdate after issuance.

(2) The department may cancel an "identicard" upon a showing by its records or other evidence that the holder of such "identicard" has committed a violation relating to "identicards" defined in RCW 46.20.336. [1986 c 15 § 1; 1985 ex.s. c 1 § 3; 1985 c 212 § 1; 1981 c 92 § 2; 1971 ex.s. c 65 § 1; 1969 ex.s. c 155 § 4.]

**Effective date—1985 ex.s. c 1:** See note following RCW 46.20.070.

**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.]

**Effective date—Purpose—1969 ex.s. c 155:** See notes following RCW 46.20.118.

**46.20.308 Implied consent—Revocation, etc., for refusal to submit to tests to determine alcoholic content of blood.** (1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her breath or 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.

(2) The test or tests of breath 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 within this state while under the influence of intoxicating liquor. However, in those instances where: (a) The person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample; or (b) as a result of a traffic accident the person is being treated for a medical condition in a hospital, clinic, doctor's office, or other similar facility in which a breath testing instrument is not present, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test,

and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test, and (b) that his or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, 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 46.61.502, 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.

(4) 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, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) The department of licensing, 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 refusal would result in the revocation of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege.

(7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by 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. Within ten days after receiving such notice the person may, in writing, request a formal hearing. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the scope of such hearing 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 of his privilege to drive. The department shall order that the revocation 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 provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.

(8) If the revocation is sustained after such a hearing, the person whose license, privilege, or permit is revoked has the right to file a petition in the superior court of the county in which he or she resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation by the department in the manner provided in RCW 46.20.334.

(9) 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 or she has a license. [1986 c 153 § 5; 1986 c 64 § 1; 1985 c 407 § 3; 1983 c 165 § 2; 1983 c 165 § 1; 1981 c 260 § 11. Prior: 1979 ex.s. c 176 § 3; 1979 ex.s. c 136 § 59; 1979 c 158 § 151; 1975 1st ex.s. c 287 § 4; 1969 c 1 § 1 (Initiative Measure No. 242, approved November 5, 1968).]

**Reviser's note:** This section was amended by 1986 c 64 § 1 and by 1986 c 153 § 5, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective dates—1985 c 407:** See note following RCW 46.04.480.

**Legislative finding, intent—1983 c 165:** "The legislature finds that previous attempts to curtail the incidence of driving while intoxicated have been inadequate. The legislature further finds that property loss, injury, and death caused by drinking drivers have reached unacceptable levels. This act is intended to convey the seriousness with which the legislature views this problem. To that end the legislature seeks to insure swift and certain punishment for those who drink and drive. The legislature does not intend to discourage or deter courts and other agencies from directing or providing treatment for problem drinkers. However, it is the intent that such treatment, where appropriate, be in addition to and not in lieu of the sanctions to be applied to all those convicted of driving while intoxicated." [1983 c 165 § 44.]

**Effective dates—1983 c 165:** "Sections 2, 3 through 12, 14, 16, 18, 22, 24, and 26 of chapter 165, Laws of 1983 shall take effect on January 1, 1986. The remainder of chapter 165, Laws of 1983 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, 1983. The director of licensing may immediately take such steps as are necessary to insure that all sections of chapter 165, Laws of 1983 are implemented on their respective effective dates." [1984 c 219 § 1; 1983 c 165 § 47.]

**Severability—1983 c 165:** "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." [1983 c 165 § 48.]

**Effective date—Severability—1979 ex.s. c 136:** See notes following RCW 46.63.010.



**Severability—1979 ex.s. c 176:** See note following RCW 46.61.502.

**Severability, implied consent law—1969 c 1:** See RCW 46.20.911. *Liability of medical personnel withdrawing blood:* RCW 46.61.508.

*Refusal of blood alcohol test—Admissibility as evidence:* RCW 46.61.517.

**Chapter 46.32  
VEHICLE INSPECTION**

Sections

46.32.010	Buses and drivers—Inspection authorized—Stations—Duties of state patrol—Penalties.
46.32.020	Rules—Supplies—Assistants.
46.32.030	Repealed.
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 Buses and drivers—Inspection authorized—Stations—Duties of state patrol—Penalties.** (1) The chief of the Washington state patrol may operate, maintain, or designate, throughout the state of Washington, stations for the inspection of school buses and private carrier buses, with respect to vehicle equipment, drivers' qualifications, and hours of service and to set reasonable times when inspection of vehicles shall be performed.

(2) The inspection of private, common, and contract carriers with respect to vehicle equipment, drivers' qualifications, and hours of service shall be done in conjunction with weight enforcement under RCW 46.44.100.

(3) It is unlawful for any vehicle required to be inspected to be operated over the public highways of this state unless and until it has been approved periodically as to equipment.

(4) Inspections shall be performed by a responsible employee of the chief of the Washington state patrol, who shall be duly authorized and who shall have authority to secure and withhold, with written notice to the director of licensing, 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 it has been placed in a condition satisfactory to pass a subsequent equipment inspection. The police officer in charge of such vehicle equipment inspection 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.

(5) In the event any insignia, sticker, or other marker is adopted to be displayed upon vehicles in connection with the inspection of vehicle equipment, it shall be displayed as required by the rules of the chief of the Washington state patrol, and it is a traffic infraction for any person to mutilate, destroy, remove, or otherwise interfere with the display thereof.

(6) It is a traffic infraction for any person to refuse to have his motor vehicle examined as required by the chief of the Washington state patrol, or, after having had it

examined, to refuse to place an insignia, sticker, or other marker, if issued, upon the vehicle, or fraudulently to obtain any such insignia, sticker, or other marker, or to refuse to place his motor vehicle in proper condition after having had it examined, or in any manner, to fail to conform to the provisions of this chapter.

(7) It is a traffic infraction for any person to perform false or improvised repairs, or repairs in any manner not in accordance with acceptable and customary repair practices, upon a motor vehicle. [1986 c 123 § 1; 1979 ex.s. c 136 § 67; 1979 c 158 § 156; 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.]

**Effective date—Severability—1979 ex.s. c 136:** See notes following RCW 46.63.010.

**46.32.020 Rules—Supplies—Assistants.** The chief of the Washington state patrol may adopt reasonable rules regarding types of vehicles to be inspected, inspection criteria, times for the inspection of vehicle equipment, and all other matters with respect to the conduct of vehicle equipment inspections.

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. [1986 c 123 § 2; 1961 c 12 § 46.32.020. Prior: 1945 c 44 § 2; 1937 c 189 § 8; Rem. Supp. 1945 § 6360-8.]

**46.32.030 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**46.32.040 Frequency of inspection—Inspection free.** Vehicle equipment inspection shall be at such intervals as required by the chief of the Washington state patrol and shall be made without charge. [1986 c 123 § 3; 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 at any vehicle equipment inspection station, to 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 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.

Violation of the provisions of this section is a traffic infraction. [1986 c 123 § 4; 1979 ex.s. c 136 § 68; 1961

c 12 § 46.32.050. Prior: 1945 c 44 § 5; 1937 c 189 § 11; Rem. Supp. 1945 § 6360-11.]

**Effective date—Severability—1979 ex.s. c 136:** See notes following RCW 46.63.010.

**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 or rules adopted by the chief of the Washington state patrol.

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. [1986 c 123 § 5; 1961 c 12 § 46.32.060. Prior: 1937 c 189 § 12; RRS § 6360-12.]

**46.32.070 Inspection of damaged vehicle.** If a vehicle required to be inspected becomes damaged or deteriorated in such a manner that such vehicle has become unsafe for operation upon the public highways of this state, it is 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 presents such vehicle for inspection of equipment within twenty-four hours after its return to service. [1986 c 123 § 6; 1961 c 12 § 46.32.070. Prior: 1937 c 189 § 13; RRS § 6360-13.]

### Chapter 46.37

#### VEHICLE LIGHTING AND OTHER EQUIPMENT

##### Sections

46.37.310	Selling or using lamps or equipment.
46.37.320	Authority of state commission on equipment regarding lighting devices or other safety equipment.
46.37.380	Horns, warning devices, and theft alarms.
46.37.420	Restrictions as to tire equipment.
46.37.430	Safety glazing materials in motor vehicles—Application of tinting or coloring material.
46.37.440	Certain vehicles to carry flares or other warning devices.
46.37.467	Vehicle with alternative fuel source—Placard required.

46.37.510	Seat belts and shoulder harnesses.
46.37.530	Motorcycles or motor-driven cycles—Mirrors, glasses, goggles, face shields, and helmets—Rules by state commission on equipment.
46.37.535	Motorcycles or motor-driven cycles—Helmet requirements when motorcycle rented.

**46.37.310 Selling or using lamps or equipment.** (1) No person may 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 under this chapter, 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 conforming to rules adopted by it.

(2) No person may 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 conforming to rules adopted 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 may use upon any motor vehicle, trailer, or semitrailer any lamps mentioned in this section unless the lamps are mounted, adjusted, and aimed in accordance with instructions of the state commission on equipment. [1986 c 113 § 1; 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 regarding lighting devices or other safety equipment.** (1) The state commission on equipment is hereby authorized to adopt and enforce rules establishing standards and specifications governing the performance of lighting devices and their installation, adjustment, and aiming, when in use on motor vehicles, and other safety equipment, components, or assemblies of a type for which regulation is required in this chapter or in rules adopted by the commission. Such rules shall correlate with and, so far as practicable, conform to federal motor vehicle safety standards adopted pursuant to the national traffic and motor vehicle safety act of 1966 (15 U.S.C. Sec. 1381 et seq.) covering the same aspect of performance, or in the absence of such federal standards, to the then current standards and specifications of the society of automotive engineers applicable to such equipment: *Provided*, That the sale, installation, and use of any headlamp meeting the standards of either the society of automotive engineers or the United Nations agreement concerning motor vehicle equipment and parts done at Geneva on March 20, 1958, or as amended and adopted by the Canadian standards association (CSA standard D106.2), as amended, shall be lawful in this state.

(2) Every manufacturer who sells or offers for sale lighting devices or other safety equipment subject to requirements established by the commission shall, if the

lighting device or safety equipment is not in conformance with applicable federal motor vehicle safety standards, provide for submission of such lighting device or safety equipment to any recognized organization or agency such as, but not limited to, the American national standards institute, the society of automotive engineers, or the American association of motor vehicle administrators, as the agent of the commission. Issuance of a certificate of compliance for any lighting device or item of safety equipment by that agent is deemed to comply with the standards set forth by the commission on equipment. Such certificate shall be issued by the agent of the state before sale of the product within the state.

(3) The commission may at any time request from the manufacturer a copy of the test data showing proof of compliance of any device with the requirements established by the commission and additional evidence that due care was exercised in maintaining compliance during production. If the manufacturer fails to provide such proof of compliance within sixty days of notice from the commission, the commission may prohibit the sale of the device in this state until acceptable proof of compliance is received by the commission.

(4) The commission or its agent may purchase any lighting device or other safety equipment, component, or assembly subject to this chapter or rules adopted by the commission under this chapter, for purposes of testing or retesting the equipment as to its compliance with applicable standards or specifications. [1986 c 113 § 2. Prior: 1977 ex.s. c 355 § 25; 1977 ex.s. c 20 § 1; 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.]

**Severability**—1977 ex.s. c 355: See note following RCW 46.37.010.

#### **46.37.380 Horns, warning devices, and theft alarms.**

(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 may 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 may be equipped with nor may any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(3) It is permissible for any vehicle to be equipped with a theft alarm signal device so long as it is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal device may use a whistle, bell, horn, or other audible signal but shall not use a siren.

(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

conforming to rules adopted by the state commission on equipment, but the siren shall not be used except when the 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 latter events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of its approach. [1986 c 113 § 3; 1977 ex.s. c 355 § 32; 1961 c 12 § 46.37.380. Prior: 1955 c 269 § 38; prior: 1937 c 189 § 35; RRS § 6360-35; RCW 46.36.040.]

**Severability**—1977 ex.s. c 355: See note following RCW 46.37.010.

*Motorcycles and motor-driven cycles—Additional requirements and limitations: RCW 46.37.539.*

**46.37.420 Restrictions as to tire equipment.** (1) It is 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 may 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 is permissible to use farm machinery with tires having protuberances that will not injure the highway, and except also that it is permissible to use tire chains or metal studs imbedded within the tire of reasonable proportions and of a type conforming to rules adopted 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. It is unlawful to use metal studs imbedded within the tire between April 1st and November 1st. The state department of transportation may, from time to time, determine additional periods in which the use of tires with metal studs imbedded therein is lawful.

(3) The state department of transportation and local authorities in their respective jurisdictions may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the 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 1st and April 1st upon school buses and fire department vehicles, any law or regulation to the contrary notwithstanding. [1986 c 113 § 4; 1984 c 7 § 50; 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.]

**Severability**—1984 c 7: See note following RCW 47.01.141.

*Dangerous road conditions requiring special tires, chains, metal studs: RCW 47.36.250.*

*Motorcycles and motor-driven cycles—Additional requirements and limitations: RCW 46.37.539.*

**46.37.430 Safety glazing materials in motor vehicles—Application of tinting or coloring material.** (1)

No person may sell any new motor vehicle as specified in this title, nor may any new motor vehicle as specified in this title be registered 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 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 applies [apply] to all glazing material used in doors, windows, and windshields in the drivers' compartments of such vehicles except as provided by subsection (4) of this section.

(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 director of licensing shall not register 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 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 may sell or offer for sale, nor may 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 conforming to rules adopted by the state commission on equipment wherever glazing materials are used in outside windows and doors.

(5) No tinting or coloring material that reduces light transmittance to any degree, unless it meets standards for such material adopted by the state commission on equipment, may 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.

The standards adopted by the commission shall permit a greater degree of light reduction on a vehicle operated by or carrying as a passenger a person who possesses written verification from a licensed physician that the operator or passenger must be protected from exposure to sunlight for physical or medical reasons.

Nothing in this subsection prohibits 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. [1986 c 113 § 5; 1985 c 304 § 1; 1979 c 158 § 157; 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 may operate any motor truck, passenger bus, truck tractor, motor home, or travel trailer over eighty inches in overall width upon any highway outside the corporate limits of municipalities at any time unless there is carried in such vehicle the following equipment except as provided in subsection (2) of this section:

(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 may be used for the purpose of compliance with this section unless such equipment is of a type which has been submitted to the state commission on equipment and conforms to rules adopted by it. No portable reflector unit may 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 conforms to rules adopted 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 may operate at the time and under conditions stated in subsection (1) of this section any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases or liquefied gases, or any motor vehicle using compressed gas as a fuel unless there is 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. [1986 c 113 § 6; 1977 ex.s. c 355 § 38; 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.]

**Severability—1977 ex.s. c 355:** See note following RCW 46.37.010.

**46.37.467 Vehicle with alternative fuel source—Placard required.** (1) Every automobile, truck, motorcycle, motor home, or off-road vehicle that is fueled by an

alternative fuel source shall bear a reflective placard issued by the national fire protection association indicating that the vehicle is so fueled. Violation of this subsection is a traffic infraction.

(2) As used in this section "alternative fuel source" includes propane, compressed natural gas, liquid petroleum gas, or any chemically similar gas but does not include gasoline or diesel fuel.

(3) If a placard for a specific alternative fuel source has not been issued by the national fire protection association, a placard issued by the director of community development, through the director of fire protection, shall be required. The director of community development, through the director of fire protection, shall develop rules for the design, size, and placement of the placard which shall remain effective until a specific placard is issued by the national fire protection association. [1986 c 266 § 88; 1984 c 145 § 1; 1983 c 237 § 2.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Legislative finding**—1983 c 237: "The legislature finds that vehicles using alternative fuel sources such as propane, compressed natural gas, liquid petroleum gas, or other hydrocarbon gas fuels require fire fighters to use a different technique if the vehicles catch fire. A reflective placard on such vehicles would warn fire fighters of the danger so they could react properly." [1983 c 237 § 1.]

**46.37.510 Seat belts and shoulder harnesses.** (1) No person may sell any automobile manufactured or assembled after January 1, 1964, nor may 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 conforming to rules adopted by the state commission on equipment. Where registration is for transfer from an out-of-state license, the applicant shall be informed of this section by the issuing agent and has thirty days to comply. The state commission on equipment shall adopt and enforce standards as to what constitutes adequate and safe seat belts and for the fastening and installation of them. Such standards shall not be below those specified as minimum requirements by the Society of Automotive Engineers on June 13, 1963.

(2) Every passenger car manufactured or assembled after January 1, 1965, shall be equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(3) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with a lap-type safety belt assembly for each permanent passenger seating position. This requirement shall not apply to police vehicles.

(4) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with at least two shoulder harness-type safety belt assemblies for use in the front seating positions.

(5) The commission on equipment shall excuse specified types of motor vehicles or seating positions within any motor vehicle from the requirements imposed by subsections (1), (2), and (3) of this section when compliance would be impractical.

(6) No person may distribute, have for sale, offer for sale, or sell any safety belt or shoulder harness for use in motor vehicles unless it meets current minimum standards and specifications conforming to rules adopted by the commission or the United States department of transportation. [1986 c 113 § 7; 1977 ex.s. c 355 § 42; 1963 c 117 § 1.]

**Severability**—1977 ex.s. c 355: See note following RCW 46.37.010.

*Safety belts, use required: RCW 46.61.688.*

**46.37.530 Motorcycles or motor-driven cycles—Mirrors, glasses, goggles, face shields, and helmets—Rules by state commission on equipment.** (1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle 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: *Provided*, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: *Provided further*, That no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state commission on equipment;

(c) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state commission on equipment.

(2) The state commission on equipment is hereby authorized and empowered to adopt and amend rules, pursuant to the administrative procedure act, concerning the standards and procedures for conformance of rules adopted for glasses, goggles, face shields, and protective helmets. [1986 c 113 § 8; 1982 c 77 § 7; 1977 ex.s. c 355 § 55; 1971 ex.s. c 150 § 1; 1969 c 42 § 1; 1967 c 232 § 4.]

**Rules of court: Monetary penalty schedule**—JTIR 6.2.

**Severability**—1982 c 77: See note following RCW 46.20.500.

**Severability**—1977 ex.s. c 355: See note following RCW 46.37.010.

*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 also has on hand for rent helmets of a type conforming to rules adopted by the commission on equipment. [1986 c 113 § 9; 1977 ex.s. c 355 § 56; 1967 c 232 § 10.]

**Rules of court: Monetary penalty schedule**—JTIR 6.2.

**Severability**—1977 ex.s. c 355: See note following RCW 46.37.010.

License requirement for person renting motorcycle: RCW 46.20.220.

**Chapter 46.44**  
**SIZE, WEIGHT, LOAD**

Sections

46.44.170 Mobile home movement special permit and decal—  
County treasurer certification of taxes paid—Vehi-  
cle license plates—Rules.

**46.44.170 Mobile home movement special permit and decal—County treasurer certification of taxes paid—Vehicle license plates—Rules.** (1) Any person moving a mobile home as defined in RCW 46.04.302 upon public highways of the state must obtain a special permit from the department of transportation and local authorities pursuant to RCW 46.44.090 and 46.44.093 and shall pay the proper fee as prescribed by RCW 46.44.0941 and 46.44.096.

(2) A special permit issued as provided in subsection (1) of this section for the movement of any mobile home shall not be valid until the county treasurer of the county in which the mobile home is located shall endorse or attach thereto his certificate that all property taxes which are a lien or which are delinquent, or both, upon the mobile home being moved have been satisfied. Further, any mobile home required to have a special movement permit under this section shall display an easily recognizable decal: *Provided*, That endorsement or certification by the county treasurer and the display of said decal is not required when a mobile home is to enter the state or is being moved from a manufacturer or distributor to a retail sales outlet or directly to the purchaser's designated location or between retail and sales outlets. It shall be the responsibility of the owner of the mobile home or the agent to obtain such endorsement from the county treasurer and said decal.

(3) 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.

(4) The department of transportation and local authorities are authorized to adopt reasonable rules for implementing the provisions of this section. The department of transportation shall adopt rules specifying the design, reflective characteristics, annual coloration, and for the uniform implementation of the decal required by this section. [1986 c 211 § 4. Prior: 1985 c 395 § 1; 1985 c 22 § 1; 1980 c 152 § 1; 1977 ex.s. c 22 § 2.]

**Severability—1977 ex.s. c 22:** See note following RCW 46.04.302.

**Chapter 46.52**

**ACCIDENTS—REPORTS—ABANDONED  
VEHICLES**

Sections

46.52.130 Abstract of driving record—Appropriate parts furnished—Confidentiality—Fees—Penalty.

**46.52.130 Abstract of driving record—Appropriate parts furnished—Confidentiality—Fees—Penalty.**

Any request for a certified abstract must specify which part is requested, and only the part requested shall be furnished. The employment driving record part shall be furnished only to the individual named in the abstract, an employer, the insurance carrier that has insurance in effect covering the employer, or a prospective employer. The other part shall be furnished only to the individual named in the abstract, the insurance carrier that has insurance in effect covering the named individual, or the insurance carrier to which the named individual has applied. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years, and the abstract, whenever possible, shall include an enumeration of motor vehicle accidents in which the person was driving; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether the vehicles were occupied at the time of the accident; and any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law. The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.

The abstract provided to an insurance company shall have excluded from it any information pertaining to any occupational driver's license when the license 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 or finding of a traffic infraction involving a motor vehicle offense outside the scope of his principal employment, and who has during that period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom. The abstract provided to the insurance company shall also exclude any information pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty during an emergency situation if the chief of the officer's or fire fighter's department certifies on the accident report that the actions of the officer or fire fighter were reasonable under the circumstances as they existed at the time of the accident.

The director shall collect for each abstract the sum of three dollars and fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the

information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, or denied on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may 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 the 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 contained in it to a third party.

Any violation of this section is a gross misdemeanor. [1986 c 74 § 1; 1985 ex.s. c 1 § 11; 1979 ex.s. c 136 § 84; 1977 ex.s. c 356 § 2; 1977 ex.s. c 140 § 1; 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.]

**Rules of court:** *Bail in traffic offense cases—Mandatory appearance—JCRR 2.09.*

**Effective date—1985 ex.s. c 1:** See note following RCW 46.20.070.

**Effective date—Severability—1979 ex.s. c 136:** See notes following RCW 46.63.010.

**Effective date—1967 c 174:** See note following RCW 46.29.050.

*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.

**Chapter 46.61**

**RULES OF THE ROAD**

Sections

- 46.61.100 Keep right except when passing, etc.
- 46.61.502 Driving while under influence of intoxicating liquor or drug—What constitutes.
- 46.61.504 Actual physical control of motor vehicle while under influence of intoxicating liquor or drug—What constitutes—Defenses.
- 46.61.506 Persons under influence of intoxicating liquor or drug—Evidence—Tests—Information concerning tests.
- 46.61.517 Refusal of blood alcohol test—Admissibility as evidence.
- 46.61.655 Permitting escape of load materials.
- 46.61.688 Safety belts, use required—Penalties—Exemptions.

**46.61.100 Keep right except when passing, etc.** (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 and providing for two-way movement traffic under the rules applicable thereon; or

(d) Upon a street or highway restricted to one-way traffic.

(2) Upon all roadways having two or more lanes for traffic moving in the same direction, all vehicles shall be driven in the right-hand lane then available for traffic, except (a) when overtaking and passing another vehicle proceeding in the same direction, (b) when traveling at a speed greater than the traffic flow, (c) when moving left to allow traffic to merge, or (d) when preparing for a left turn at an intersection, exit, or into a private road or driveway when such left turn is legally permitted. On any such roadway, a motor truck shall be driven only in the right-hand lane except under the conditions enumerated in (a) through (d) of this subsection.

(3) It is a traffic infraction to drive continuously in the left lane of a multilane roadway when it impedes the flow of other traffic.

(4) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, a vehicle shall not 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) of this section. 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. [1986 c 93 § 2; 1972 ex.s. c 33 § 1; 1969 ex.s. c 281 § 46; 1967 ex.s. c 145 § 58; 1965 ex.s. c 155 § 15.]

**Rules of court:** *Monetary penalty schedule—JTIR 6.2.*

**Legislative intent—1986 c 93:** "It is the intent of the legislature, in this 1985 [1986] amendment of RCW 46.61.100, that the left-hand lane on any state highway with two or more lanes in the same direction be used primarily as a passing lane." [1986 c 93 § 1.]

*Information on proper use of left-hand lane:* RCW 28A.08.080, 46.20.095, 46.82.430, 47.36.260.

**46.61.502 Driving while under influence of intoxicating liquor or drug—What constitutes.** A person is guilty of driving while under the influence of intoxicating liquor or any drug if he drives a vehicle within this state while:

(1) He has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of his breath, blood, or other bodily substance made under RCW 46.61.506 as now or hereafter amended; or

(2) He is under the influence of or affected by intoxicating liquor or any drug; or

(3) He is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. [1986 c 153 § 2; 1979 ex.s. c 176 § 1.]

**Rules of court:** *Bail in traffic offense cases—Mandatory appearance—JCRR 2.09.*

**Severability**—1979 ex.s. c 176: "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." [1979 ex.s. c 176 § 8.]

**46.61.504 Actual physical control of motor vehicle while under influence of intoxicating liquor or drug—What constitutes—Defenses.** A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if he has actual physical control of a vehicle within this state while:

(1) He has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of his breath, blood, or other bodily substance made under RCW 46.61.506, as now or hereafter amended; or

(2) He is under the influence of or affected by intoxicating liquor or any drug; or

(3) He is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, he has moved the vehicle safely off the roadway. [1986 c 153 § 3; 1979 ex.s. c 176 § 2.]

**Rules of court: Bail in traffic offense cases—Mandatory appearance—JCrR 2.09.**

**Severability**—1979 ex.s. c 176: See note following RCW 46.61.502.

**46.61.506 Persons under influence of intoxicating liquor or drug—Evidence—Tests—Information concerning tests.** (1) 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 or any drug, if the amount of alcohol in the person's blood or breath at the time alleged as shown by analysis of his blood, breath, or other bodily substance is less than 0.10 grams of alcohol per two hundred ten liters of the person's breath, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2) The breath analysis shall be based upon grams of alcohol per two hundred ten liters of breath. 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 or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 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 one or more 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 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. [1986 c 153 § 4; 1979 ex.s. c 176 § 5; 1975 1st ex.s. c 287 § 1; 1969 c 1 § 3 (Initiative Measure No. 242, approved November 5, 1968).]

**Rules of court: Evidence of breathalyzer tests—JCrR 4.09.**

**Severability**—1979 ex.s. c 176: See note following RCW 46.61.502.

**Severability, implied consent law**—1969 c 1: See RCW 46.20.911. **Arrest of driver under influence of intoxicating liquor or drugs: RCW 10.31.100.**

**46.61.517 Refusal of blood alcohol test—Admissibility as evidence.** The refusal of a person to submit to a test of the alcoholic content of his blood under RCW 46.20.308 is admissible into evidence at a subsequent criminal trial. [1986 c 64 § 2; 1985 c 352 § 21; 1983 c 165 § 27.]

**Severability**—1985 c 352: See note following RCW 10.05.010.

**Legislative finding, intent—Effective dates—Severability**—1983 c 165: See notes following RCW 46.20.308.

**46.61.655 Permitting escape of load materials.** (1) 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. 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.

(2) No person may operate on any public highway any vehicle with any load unless the load and such covering as required thereon be [by] subsection (3) of this section is securely fastened to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(3) Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being



dropped, spilled, leaked, or otherwise escaping therefrom shall be covered so as to prevent spillage. Covering of such loads is not required if six inches of freeboard is maintained within the bed.

(4) Any vehicle with deposits of mud, rocks, or other debris on the vehicle's body, fenders, frame, undercarriage, wheels, or tires shall be cleaned of such material before the operation of the vehicle on a paved public highway.

(5) The legislative transportation committee shall monitor the effects of subsections (2) through (4) of this section after June 11, 1986, until January 1, 1987, to determine if modifications to this section are necessary.

(6) The commission on equipment may make necessary rules to carry into effect the provisions of this section, applying such provisions to specific conditions and loads and prescribing means, methods, and practices to effectuate such provisions.

(7) Nothing in this section may be construed to prohibit a public maintenance vehicle from dropping sand on a highway to enhance traction, or sprinkling water or other substances to clean or maintain a highway. [1986 c 89 § 1; 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.]

*Rules of court: Monetary penalty schedule—JTIR 6.2.*

*Severability—1971 ex.s. c 307: See RCW 70.93.900.*

**46.61.688 Safety belts, use required—Penalties—Exemptions.** (1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(d) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all passengers under the age of sixteen years are either

wearing a safety belt assembly or are securely fastened into an approved child restraint device.

(5) During the period from June 11, 1986, to January 1, 1987, a person violating this section may be issued a written warning of the violation. After January 1, 1987, a person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.

(8) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(9) The commission on equipment may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts. [1986 c 152 § 1.]

*Study of effectiveness—1986 c 152:* "The traffic safety commission shall undertake a study of the effectiveness of section 1 of this act and shall report its finding to the legislative transportation committee by January 1, 1989." [1986 c 152 § 3.]

*Physicians—Immunity from liability regarding safety belts: RCW 4.24.235.*

*Seat belts and shoulder harnesses, required equipment: RCW 46.37.510.*

## Chapter 46.63

### DISPOSITION OF TRAFFIC INFRACTIONS

#### Sections

46.63.020	Violations as traffic infractions—Exceptions.
46.63.110	Monetary penalties.

**46.63.020 Violations as traffic infractions—Exceptions.** Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.160 relating to vehicle trip permits;

(8) RCW 46.20.021 relating to driving without a valid driver's license;

(9) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(10) RCW 46.20.342 relating to driving with a suspended or revoked license;

(11) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(12) RCW 46.20.416 relating to driving while in a suspended or revoked status;

(13) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(14) Chapter 46.29 RCW relating to financial responsibility;

(15) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(16) RCW 46.48.175 relating to the transportation of dangerous articles;

(17) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(18) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(19) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(20) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

(21) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;

(22) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(23) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

(24) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(25) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(26) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(27) RCW 46.61.500 relating to reckless driving;

(28) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

(29) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

(30) RCW 46.61.522 relating to vehicular assault;

(31) RCW 46.61.525 relating to negligent driving;

(32) RCW 46.61.530 relating to racing of vehicles on highways;

(33) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

(34) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

(35) RCW 46.64.020 relating to nonappearance after a written promise;

(36) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(37) Chapter 46.65 RCW relating to habitual traffic offenders;

(38) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

(39) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

(40) Chapter 46.80 RCW relating to motor vehicle wreckers;

(41) Chapter 46.82 RCW relating to driver's training schools. [1986 c 186 § 3. Prior: 1985 c 377 § 28; 1985 c 353 § 2; 1985 c 302 § 7; 1983 c 164 § 6; 1982 c 10 § 12; prior: 1981 c 318 § 2; 1981 c 19 § 1; 1980 c 148 § 7; 1979 ex.s. c 136 § 2.]

**Severability—Effective date—1985 c 377:** See RCW 46.55.900 and 46.55.902.

**Severability—1982 c 10:** See note following RCW 6.12.100.

**Severability—1981 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." [1981 c 19 § 7.]

**Effective date—1980 c 148:** See note following RCW 46.10.090.

**Effective date—Severability—1979 ex.s. c 136:** See notes following RCW 46.63.010.

**46.63.110 Monetary penalties.** (1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating

to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department may not renew the person's driver's license until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid. [1986 c 213 § 2; 1984 c 258 § 330. Prior: 1982 1st ex.s. c 14 § 4; 1982 1st ex.s. c 12 § 1; 1982 c 10 § 13; prior: 1981 c 330 § 7; 1981 c 19 § 6; 1980 c 128 § 4; 1979 ex.s. c 136 § 13.]

*Rules of court: Monetary penalty schedule—JTIR 6.2.*

*Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.*

*Intent—1984 c 258: See note following RCW 3.46.120.*

*Effective date—Severability—1982 1st ex.s. c 14: See notes following RCW 46.63.060.*

*Severability—1982 c 10: See note following RCW 6.12.100.*

*Severability—1981 c 330: See note following RCW 3.62.060.*

*Severability—1981 c 19: See note following RCW 46.63.020.*

*Effective date—Severability—1980 c 128: See notes following RCW 46.63.060.*

*Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.*

## Chapter 46.64 ENFORCEMENT

### Sections

46.64.020 Nonappearance after written promise, misdemeanor—Response by mail, when.

**46.64.020 Nonappearance after written promise, misdemeanor—Response by mail, when.** Any person wilfully violating his written and signed promise to appear in court or his written and signed promise to respond to a notice of traffic infraction, as provided in this title, is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested or the disposition of the notice of infraction: *Provided*, That a written promise to appear in court or a written promise to respond to a notice of traffic infraction may be complied with by an appearance by counsel: *Provided further*, That a person charged under RCW 46.20.021 with driving with an expired driver's license may respond by mailing to the court within fifteen days of the violation, a copy of the person's currently valid driver's license. Any person who has been issued a notice of infraction pursuant to RCW 46.63.030(3) and who wilfully fails to respond as provided in this title is guilty of a misdemeanor regardless of the disposition of the notice of infraction. [1986 c 213 § 1; 1980 c 128 § 8; 1961 c 12 § 46.64.020. Prior: 1937 c 189 § 146; RRS § 6360-146.]

*Rules of court: Bail in traffic offense cases—Mandatory appearance—JCrR 2.09.*

*Effective date—Severability—1980 c 128: See notes following RCW 46.63.060.*

## Chapter 46.68 DISPOSITION OF REVENUE

### Sections

46.68.030 Disposition of vehicle license fees. (Effective January 1, 1987.)  
46.68.035 Disposition of combined vehicle licensing fees. (Effective January 1, 1987.)  
46.68.100 Allocation of net tax amount in motor vehicle fund. (Effective July 1, 1987.)

**46.68.030 Disposition of vehicle license fees. (Effective January 1, 1987.)** Except for proceeds from fees for vehicle licensing for vehicles paying such fees under RCW 46.16.070 and 46.16.085, 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, except that the proceeds from the vehicle license fee and renewal license fee shall be deposited by the state treasurer as hereinafter provided. After July 1, 1981, that portion of each vehicle license fee in excess of \$7.40 and that portion of each renewal license fee in excess of \$3.40 shall be deposited in the state patrol highway account in the motor vehicle fund, hereby created. Vehicle license fees, renewal license fees, and all other funds in the state patrol highway account shall be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations therefor, for any fiscal biennium after June 30, 1981, and twenty-seven and three-tenths percent of the proceeds from \$7.40 of each vehicle license fee and \$3.40 of each renewal license fee shall be deposited each biennium in the Puget Sound ferry operations account to partially finance, together with other funds in the account, any budgeted state ferry system maintenance and operating deficit for that biennium. The deficit shall be calculated by subtracting from total costs the sum of all unappropriated funds available to the state ferry system, including revenues from tolls that are adjusted by the transportation commission. Any remaining amounts of vehicle license fees and renewal license fees that are not deposited in the Puget Sound ferry operations account shall be deposited in the motor vehicle fund. [1985 c 380 § 20. Prior: 1983 c 15 § 23; 1983 c 3 § 122; 1981 c 342 § 9; 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.]

*Effective date—1985 c 380: See note following RCW 46.87.010.*

*Severability—1985 c 380: See RCW 46.87.900.*

*Severability—1983 c 15: See RCW 47.64.910.*

*Effective date—Severability—1981 c 342: See notes following RCW 82.36.010.*

**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.

**Effective date—1965 c 25:** See note following RCW 46.16.060.

**46.68.035 Disposition of combined vehicle licensing fees.** (Effective January 1, 1987.) All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) 34.644 percent, representing the vehicle licensing fee, shall be distributed according to the following formula:

(a) 76.772 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) 6.348 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund;

(c) 16.880 percent shall be deposited into the motor vehicle fund.

(2) The sum of one dollar for each vehicle shall be deposited into the highway safety fund, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of one dollar shall be credited to the current county expense fund.

(3) The remaining proceeds, representing the gross vehicle weight fee, identification fee, special fee, minimum fee, and application fee, shall be deposited into the motor vehicle fund. [1985 c 380 § 21.]

**Effective date—1985 c 380:** See note following RCW 46.87.010.

**Severability—1985 c 380:** See RCW 46.87.900.

**46.68.100 Allocation of net tax amount in motor vehicle fund.** (Effective July 1, 1987.) From the net tax amount in the motor vehicle fund there shall be paid monthly as funds accrue the following sums:

(1) To the cities and towns, to be distributed as provided by RCW 46.68.110, sums equal to six and ninety-two hundredths percent of the net tax amount;

(2) To the cities and towns, to be expended as provided by RCW 46.68.115, sums equal to four and sixty-one hundredths percent of the net tax amount;

(3) To the counties, sums equal to twenty-two and seventy-eight hundredths percent of the net tax amount out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725, with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

(4) To the urban arterial trust account in the motor vehicle fund, sums equal to seven and twelve hundredths percent of the net tax amount;

(5) To the state, to be expended as provided by RCW 46.68.130, sums equal to forty-five and twenty-six hundredths percent of the net tax amount;

(6) To the state, to be expended as provided by RCW 46.68.150 as now or hereafter amended, sums equal to six and ninety-five hundredths percent of the net tax amount;

(7) To the Puget Sound capital construction account in the motor vehicle fund sums equal to three and twenty-one hundredths percent of the net tax amount;

(8) To the Puget Sound ferry operations account in the motor vehicle fund sums equal to three and fifteen hundredths percent of the net tax amount.

Nothing in this section or in RCW 46.68.090 or 46.68.130 may 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 and special vehicle fuels. [1986 c 66 § 1; 1984 c 7 § 73; 1977 ex.s. c 317 § 9; 1977 c 51 § 1; 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.]

**Effective date—1986 c 66:** "This act shall take effect July 1, 1987. The secretary of transportation may immediately take such steps as are necessary to ensure that this act is implemented on its effective date." [1986 c 66 § 14.]

**Severability—1984 c 7:** See note following RCW 47.01.141.

**Effective dates—Severability—1977 ex.s. c 317:** See notes following RCW 82.36.010.

**Effective date—1977 c 51:** "This 1977 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, 1977." [1977 c 51 § 4.]

**Severability—1977 c 51:** "If any provision of this 1977 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." [1977 c 51 § 3.]

**Effective date—1970 ex.s. c 85:** See note following RCW 47.60.500.

**Severability—Effective dates—1967 ex.s. c 83:** See RCW 47.26.900 and 47.26.910.

## Chapter 46.70

### UNFAIR BUSINESS PRACTICES—DEALERS' LICENSES

#### Sections

46.70.005	Declaration of purpose.
46.70.011	Definitions.
46.70.021	License required for dealers or manufacturers— Penalties.
46.70.023	Place of business.
46.70.025	Established place of business, waiver of requirements.
46.70.027	Accountability of dealer for employees—Actions for damages on breach of warranty, violations of chapter.
46.70.029	Listing dealers, transaction of business.
46.70.031	Application for license—Form.
46.70.041	Application for license—Contents.
46.70.061	Fees—Disposition. (Effective until July 1, 1987.)
46.70.061	Fees—Disposition. (Effective July 1, 1987.)

46.70.070 Dealers—Bond required, exceptions—Actions—  
Cancellation of license.  
46.70.081 Repealed.  
46.70.082 Repealed.  
46.70.083 Expiration of license—Application for renewal—  
Certification of established place of business.  
46.70.101 Denial, suspension, or revocation of licenses—  
Grounds.  
46.70.102 Denial, suspension, or revocation of licenses—Notice,  
hearing, procedure.  
46.70.115 Cease and desist orders.  
46.70.120 Record of transactions.  
46.70.125 Used vehicles—Asking price, posting or disclosure.  
46.70.170 Penalty for violations.  
46.70.180 Unlawful acts and practices.  
46.70.190 Civil actions for violations—Injunctions—Claims  
under Federal Automobile Dealer Franchise Act—  
Time limitation.  
46.70.200 Revocation or nonrenewal of dealer's license when civil  
action pending—Court ordered issuance, when.  
46.70.210 Effect of complaint on existing franchise—Effect of  
issuance of new franchise.  
46.70.260 Application of chapter to existing and future franchises  
and contracts.  
46.70.310 Violation of Consumer Protection Act.

**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 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. [1986 c 241 § 1; 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 through 46.70.042, 46.70.051, 46.70.061, 46.70.081 through 46.70.083, 46.70.101 through 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 through 46.70.050, 46.70.080, 46.70.100, and 46.70.110.

**Report on implementation—1986 c 241:** "The department shall report to the legislature as to the implementation of \*this act, and make any necessary recommendations for revisions by December 31, 1987." [1986 c 241 § 25.]

**\*Reviser's note:** This act (1986 c 241) consisted of the amendment of RCW 46.70.005, 46.70.011, 46.70.021, 46.70.031, 46.70.041, 46.70.061, 46.70.070, 46.70.083, 46.70.101, 46.70.102, 46.70.120, 46.70.170, 46.70.180, 46.70.190, 46.70.200, 46.70.210, and 46.70.260, the enactment of RCW 46.70.023, 46.70.027, 46.70.029, 46.70.115, and 46.70.310, the repeal of RCW 46.70.081 and 46.70.082, and several uncodified sections of a temporary nature.

**Implementation plan—1986 c 241:** "The department shall develop a specific plan for the full implementation of \*this act and shall report its findings to the legislative transportation committee by December 15, 1986. The plan shall include an evaluation of the feasibility of basing the annual license fee schedule on volume, rather than on the flat rates established in RCW 46.70.061, and shall consider the establishment of no fewer than five license fee categories." [1986 c 241 § 26.] \*For "this act" see reviser's note above.

**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, and 46.70.101 through 46.70.111; sections 26 through 29 are codified as RCW 46.70.060, 46.70.070, 46.70.280, and 46.70.910, and section 30 repeals RCW 46.70.010 through 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" means 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, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles. Vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" is a vehicle dealer that deals in new or used motor vehicles, or both;

(b) A "mobile home and travel trailer dealer" is a vehicle dealer that deals in mobile homes or travel trailers, or both;

(c) A "miscellaneous vehicle dealer" is a vehicle dealer that deals in motorcycles or vehicles other than motor vehicles or mobile homes and travel trailers or any combination of such vehicles.

(4) The term "vehicle dealer" does not include, nor do the provisions of RCW 46.70.021 apply to, the following persons, firms, associations, or corporations:

(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; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, subject to registration, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or his authorized representative, who, on behalf of the legal or registered owner of a used mobile home negotiates the purchase, sale, or exchange of the used mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the used

mobile home is located and the real estate broker is not acting as an agent, subagent, or representative of a vehicle dealer licensed under this chapter; or

(g) Owners who are also operators of the special highway construction equipment or of the highway construction equipment for which a vehicle license and display vehicle license number plate is required as defined in RCW 46.16.010; or

(h) Any bank, trust company, savings bank, mutual savings bank, savings and loan association and any subsidiaries or holding companies thereof, or credit union authorized to do business in this state under state or federal law.

(5) "Vehicle salesperson" 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) "Department" means the department of licensing, which shall administer and enforce the provisions of this chapter.

(7) "Director" means the director of licensing.

(8) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part and further includes 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 further includes any sales promotion organization, whether 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 their vehicles or for supervising or contracting with their dealers or prospective dealers.

(9) "Established place of business" means a location meeting the requirements of RCW 46.70.023(1) at which a vehicle dealer conducts business in this state.

(10) "Principal place of business" means that dealer firm's business location in the state, which place the dealer designates as their principal place of business.

(11) "Subagency" means any place of business of a vehicle dealer within the state, which place 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 state, at which place the firm does business using a name other than the principal name of the firm, or both.

(12) "Temporary subagency" means a location other than the principal place of business or subagency within the state where a licensed vehicle dealer may secure a

license to conduct the business and is licensed for a period of time not to exceed ten days for a specific purpose such as auto shows, auctions, shopping center promotions, tent sales, exhibitions, or similar merchandising ventures.

(13) "Wholesale vehicle dealer" means a vehicle dealer who sells to Washington dealers.

(14) "Retail vehicle dealer" means a vehicle dealer who sells vehicles to the public.

(15) "Listing dealer" means a used mobile home dealer who makes contracts with sellers who will compensate the dealer for obtaining a willing purchaser for the seller's mobile home. [1986 c 241 § 2; 1981 c 305 § 2; 1979 c 158 § 186; 1979 c 11 § 3. Prior: 1977 ex.s. c 204 § 2; 1977 ex.s. c 125 § 1; 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 or manufacturers—Penalties.** It is unlawful for any person, firm, or association to act as a vehicle dealer or vehicle manufacturer, to engage in business as such, serve in the capacity of such, advertise himself, herself, or themselves as such, solicit sales 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, unless the title of the vehicle is in the name of the seller. It is unlawful for any person other than a licensed vehicle dealer to display a vehicle for sale unless the registered owner or legal owner is the displayer or holds a notarized power of attorney. A person or firm engaged in buying and offering for sale, or buying and selling five or more vehicles in a twelve-month period, or in any other way engaged in dealer activity without holding a vehicle dealer license, is guilty of a gross misdemeanor, and upon conviction is subject to a fine of up to one thousand dollars for each violation and up to one year in jail. A second offense is a class C felony punishable under chapter 9A.20 RCW. A violation of this section is also a per se violation of chapter 19.86 RCW and is considered a deceptive practice. The department of licensing, the Washington state patrol, the attorney general's office, and the department of revenue shall cooperate in the enforcement of this section. 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. [1986 c 241 § 3; 1973 1st ex.s. c 132 § 3; 1967 ex.s. c 74 § 4.]

**46.70.023 Place of business.** (1) An "established place of business" requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. An established place of business shall have an improved display area of not less than three thousand square feet in or immediately adjoining the building, or a display area large enough to display six or more vehicles of the type the dealer is licensed to sell, whichever area is larger. The business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on at an established place of business in accordance with the terms

of all applicable building code, zoning, and other land-use regulatory ordinances. The dealer shall keep the building open to the public so that they may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event may a room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house be considered an "established place of business" unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law.

(2) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she 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 is required for each and every subagency: *Provided*, That the department may grant an exception to the subagency requirement in the specific instance where a licensed new motor vehicle dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the administrative procedure act.

(3) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(4) A subagency shall comply with all requirements of an established place of business.

(5) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency.

(6) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. A wholesale dealer need not maintain a display area as required in this section. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(7) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(8) A listing dealer need not have a display area if the dealer does not physically maintain any vehicles for display.

(9) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(10) 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. If 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.

(11) 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 the death or incapacity. [1986 c 241 § 4.]

**46.70.025 Established place of business, waiver of requirements.** The director may by rule waive any requirements pertaining to a vehicle dealer's established place of business if such waiver both serves the purposes of this chapter and is necessary due to unique circumstances such as a location divided by a public street or a highly specialized type of business. [1986 c 199 § 1.]

**46.70.027 Accountability of dealer for employees—Actions for damages on breach of warranty, violations of chapter.** A vehicle dealer is accountable for the dealer's employees, sales personnel, and managerial personnel while in the performance of their official duties. Any violations of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW committed by any of these employees subjects the dealer to license penalties prescribed under RCW 46.70.101. A retail purchaser who has suffered a loss or damage by reason of a breach of warranty or by any act by a dealer, salesperson, managerial person, or other employee of a dealership, that constitutes a violation of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW may institute an action for recovery against the dealer and the surety bond as set forth in RCW 46.70.070. [1986 c 241 § 5.]

**46.70.029 Listing dealers, transaction of business.**

Listing dealers shall transact dealer business by obtaining a consignment for sale, and the buyer's purchase of the mobile home shall be handled as dealer inventory. All funds from the purchaser shall be placed in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the mobile home from these funds. A complete account of all funds received and disbursed shall be given to the seller or consignor after the sale is completed. [1986 c 241 § 6.]

**46.70.031 Application for license—Form.** A vehicle dealer or vehicle manufacturer may apply for a license by filing with the department an application in such form as the department may prescribe. [1986 c 241 § 7; 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 license shall contain the following information to the extent it applies 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 the license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization including if the applicant is a corporation, proof that the corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant and any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and 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;

(e) Whether the applicant has been adjudged guilty of a crime which directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, 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;

(f) A business telephone with a listing in the local directory;

(g) The name or names of new vehicles the vehicle dealer wishes to sell;

(h) The names and addresses of each manufacturer from whom the applicant has received a franchise;

(i) Whether the applicant intends to sell used vehicles, and if so, whether he has space available for servicing and repairs;

(j) A certificate by the chief of police or his deputy, or a member of the Washington state patrol or a representative of the department, that the applicant's principal place of business and each subagency business location in the state of Washington meets the location requirements as required by this chapter. The certificate shall include proof of the applicant's ownership or lease of the real property where the applicant's principal place of

business is established. In no event may the 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;

(k) 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. This requirement applies only to applicants seeking to sell, to exchange, to offer, to auction, to solicit, or to advertise new or current-model vehicles with factory or distributor warranties;

(l) The class of vehicles the vehicle dealer will be buying, selling, listing, 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;

(m) Any other information the department may reasonably require.

(2) If the applicant is a manufacturer the 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. [1986 c 241 § 8; 1979 c 158 § 187; 1977 ex.s. c 125 § 2; 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.]

*Requirements of "established place of business": RCW 46.70.023.*

**46.70.061 Fees—Disposition.** (Effective until July 1, 1987.) (1) The annual fees for original licenses issued for twelve consecutive months from the date of issuance under this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Two hundred fifty dollars;

(b) Vehicle dealers, each subagency: Twenty-five dollars; temporary subagency: Twenty-five dollars;



(c) Vehicle manufacturers: Two hundred fifty dollars.  
 (2) The annual 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: One hundred twenty-five dollars;

(b) Vehicle dealer, each and every subagency: Twenty-five dollars;

(c) Vehicle manufacturers: One hundred twenty-five dollars.

If any licensee fails or neglects to apply for such renewal within thirty days after the expiration of the license, or assigned renewal date under a staggered licensing system, the 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 the original license.

(3) The fee for the transfer to another location of any license issued pursuant to this chapter shall be twenty-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.

(5) All fees collected under this chapter shall be deposited in the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed in this section are in addition to any excise taxes imposed by chapter 82.44 RCW. [1986 c 241 § 9; 1979 ex.s. c 251 § 1; 1973 1st ex.s. c 132 § 7; 1967 ex.s. c 74 § 13.]

**Effective dates—1986 c 241:** See note following RCW 46.70.061 (version effective July 1, 1987.)

**46.70.061 Fees—Disposition. (Effective July 1, 1987.)** (1) The annual fees for original licenses issued for twelve consecutive months from the date of issuance under this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Five hundred dollars;

(b) Vehicle dealers, each subagency: Fifty dollars; temporary subagency: Twenty-five dollars;

(c) Vehicle manufacturers: Five hundred dollars.

(2) The annual 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: Two hundred fifty dollars;

(b) Vehicle dealer, each and every subagency: Twenty-five dollars;

(c) Vehicle manufacturers: Two hundred fifty dollars.

If any licensee fails or neglects to apply for such renewal within thirty days after the expiration of the license, or assigned renewal date under a staggered licensing system, the 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 the original license.

(3) The fee for the transfer to another location of any license issued pursuant to this chapter shall be twenty-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.

(5) All fees collected under this chapter shall be deposited in the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed in this section are in addition to any excise taxes imposed by chapter 82.44 RCW. [1986 c 241 § 10; 1986 c 241 § 9; 1979 ex.s. c 251 § 1; 1973 1st ex.s. c 132 § 7; 1967 ex.s. c 74 § 13.]

**Effective dates—1986 c 241:** "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, except section 9 of this act shall take effect July 1, 1986, and section 10 of this act shall take effect July 1, 1987." [1986 c 241 § 28.]

**46.70.070 Dealers—Bond required, exceptions—Actions—Cancellation of license.** (1) Before issuing a vehicle dealer's license, the department shall require the applicant to file with the department a surety bond in the amount of:

(a) Fifteen thousand dollars for motor vehicle dealers;

(b) Thirty thousand dollars for mobile home and travel trailer dealers: *Provided*, That if such dealer does not deal in mobile homes such bond shall be fifteen 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;

(d) Wholesale dealers shall not be required to file a surety bond with the department.

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.

(3) Vehicle dealers shall maintain a bond for each business location in this state and bond coverage for all temporary subagencies. [1986 c 241 § 11; 1981 c 152 § 1; 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.]

**46.70.081 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**46.70.082 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**46.70.083 Expiration of license—Application for renewal—Certification of established place of business.** The license of a vehicle dealer or a vehicle manufacturer expires on the date assigned by the director, 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.

Before renewal, the dealer's established place of business shall be certified by a representative of the department, the chief of police or his deputy, or a member of the Washington state patrol. The certification shall verify compliance with the requirements of this chapter for an established place of business. Failure by the dealer to comply is grounds for denial of the renewal application. [1986 c 241 § 12; 1985 c 109 § 1; 1973 1st ex.s. c 132 § 12; 1971 ex.s. c 74 § 6; 1967 ex.s. c 74 § 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 or vehicle manufacturer 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 the director 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, or which license was assessed a civil penalty and the assessed amount has not been paid;

(ii) Has been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, adjudged guilty shall mean in addition to 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 regardless of whether the sentence is deferred or the penalty is suspended;

(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 required in this chapter;

(v) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records, and files maintained within this state;

(vi) 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 the terms of such agreement within a reasonable time or re-terminates the same;

(vii) Is insolvent, either in the sense that their liabilities exceed their assets, or in the sense that they cannot meet their obligations as they mature;

(viii) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

(ix) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183;

(x) Knowingly, or with reason to know, allows a salesperson employed by the dealer, or acting as their agent, to commit any of the prohibited practices set forth in subsection (1)(a) of this section and RCW 46.70.180.

(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 or 46.16 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 or her possession any vehicle which he or she 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 or manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(viii) Has engaged in practices inimical to the health or 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 or safety of vehicles;

(ix) Has aided or assisted an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, allowing use of facilities, dealer license number, or by any other means; or

(x) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of the property or funds.

(c) The licensee or any partner, officer, director, or 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 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, or which license was assessed a civil penalty and the assessed amount has not been paid;

(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 the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(d) 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;

(e) 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;

(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;

(l) Is insolvent either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature;

(m) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.

[1986 c 241 § 13; 1981 c 152 § 5; 1977 ex.s. c 125 § 3; 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 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, opportunity for hearing, and written findings of fact and conclusions of law. [1986 c 241 § 14; 1967 ex.s. c 74 § 12.]

**46.70.115 Cease and desist orders.** If it appears to the director that a person has engaged or is about to engage in an act or practice constituting a violation of this chapter, or a rule adopted or an order issued under this chapter, the director may issue an order directing the person to cease and desist from continuing the act or practice. Reasonable notice of and opportunity for a hearing shall be given. The director may issue a temporary order pending a hearing. The temporary order shall remain in effect until ten days after the hearing is held and shall become final if the person to whom the notice is addressed does not request a hearing within fifteen days after receipt of the notice. [1986 c 241 § 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. The 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;

(3) The name and address of person from whom purchased;

(4) The name of legal owner, if any;

(5) The name and address of purchaser;

(6) If purchased from a dealer, the name, business address, dealer license number, and resale tax number of the dealer;

(7) The price paid for the vehicle and the method of payment;

(8) The odometer statement given by the seller to the dealer, and the odometer statement given by the dealer to the purchaser;

(9) The written agreement to allow a dealer to sell between the dealer and the consignor, or the listing dealer and the seller;

(10) Trust account records of receipts, deposits, and withdrawals;

(11) All sale documents, which shall show the full name of dealer employees involved in the sale;

(12) 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. [1986 c 241 § 16; 1973 1st ex.s. c 132 § 15; 1961 c 12 § 46.70.120. Prior: 1951 c 150 § 15.]

**46.70.125 Used vehicles—Asking price, posting or disclosure.** A vehicle dealer who sells used vehicles shall either display on the vehicle, or disclose upon request, the written asking price of a specific vehicle offered for sale by the dealer as of that time.

A violation of this section is an unfair business practice under chapter 19.86 RCW, the Consumer Protection Act, and the provisions of chapter 46.70 RCW. [1986 c 165 § 1.]

**46.70.170 Penalty for violations.** It is a misdemeanor for any person to violate any of the provisions of this chapter, except where expressly provided otherwise, and the rules adopted as provided under this chapter. [1986 c 241 § 17; 1965 c 68 § 5.]

*Rules of court: Bail in traffic offense cases—Mandatory appearance—JCrR 2.09.*

**46.70.180 Unlawful acts and practices.** Each of the following acts or practices is 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 a smaller 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, for any reason except substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; 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 within a reasonable time.

(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. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(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) To commit any other offense under RCW 46.37-.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the

issuance of more than one such permit on any one vehicle.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser prior to the delivery of the bargained-for vehicle, to commingle said "on deposit" funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding said "on deposit" funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: *Provided, however,* That a motor vehicle dealer may keep a separate trust account which equals his customary total customer deposits for vehicles for future delivery.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales agreement signed by the seller and buyer.

(11) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, 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 have not been voluntarily ordered by the vehicle dealer: *Provided,* That recommendation, endorsement, exposition, persuasion, urging, or argument are not 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: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) said cancellation or nonrenewal was not done in good faith. Good faith is 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 are not 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 has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by 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 may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may 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 does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. [1986 c 241 § 18; 1985 c 472 § 13; 1981 c 152 § 6; 1977 ex.s. c 125 § 4; 1973 1st ex.s. c 132 § 18; 1969 c 112 § 1; 1967 ex.s. c 74 § 16.]

**Severability**—1985 c 472: See RCW 46.94.900.

**Odometers**—*Disconnecting, resetting, turning back, replacing without notifying purchaser: RCW 46.37.540 through 46.37.570.*

**46.70.190 Civil actions for violations—Injunctions—Claims under Federal Automobile Dealer Franchise Act—Time limitation.** 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(11)(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(11)(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. [1986 c 241 § 19; 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 pending—Court ordered issuance, when.** The director shall revoke or refuse to issue a 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 the 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 the vehicle dealer's license if the dealer complies with other sections of chapter 46.70 RCW. [1986 c 241 § 20; 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 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 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 vehicle in the same area of responsibility in that covered in the canceled or terminated franchise, that act is prima facie evidence that the new franchise replaced the canceled or terminated franchise. [1986 c 241 § 21; 1967 ex.s. c 74 § 18.]

**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 vehicle dealers and manufacturers or factory branches and to all future franchises and contracts. [1986 c 241 § 22; 1967 ex.s. c 74 § 24.]

**46.70.310 Violation of Consumer Protection Act.** Any violation of this chapter is deemed to affect the public interest and constitutes a violation of chapter 19.86 RCW. [1986 c 241 § 23.]

## Chapter 46.82

### DRIVER TRAINING SCHOOLS

#### Sections

46.82.280	Definitions.
46.82.320	Instructor's license—Required—Application, renewal, fees—Laboratory phase only, rules—Identification card—Notice of change in employment.
46.82.430	Information on proper use of left-hand lane.

**46.82.280 Definitions.** Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Driver training school" means a commercial driver training school engaged in the business of giving instruction, for a fee, in the operation of automobiles.

(2) "Director" means the director of the department of licensing of the state of Washington.

(3) "Advisory committee" means the driving instructors' advisory committee as created in this chapter.

(4) "Fraudulent practices" means any conduct or representation on the part of a licensee under this chapter tending to induce anyone to believe, or to give the impression, that a license to operate a motor vehicle or any other license granted by the director may be obtained by any means other than those prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, or collecting money for such purposes.

(5) "Instructor" means any person employed by a driver training school to instruct persons in the operation of automobiles.

(6) "Place of business" means a designated location at which the business of a driver training school is transacted and its records are kept.

(7) "Person" means any individual, firm, corporation, partnership, or association. [1986 c 80 § 1; 1979 ex.s. c 51 § 1.]

**Transfer of funds:** "Any funds remaining in accounts discontinued by this 1979 act shall be transferred to the general fund after obligations accrued prior to the effective date of this act have been met." [1979 ex.s. c 51 § 18.]

**Reviser's note:** (1) This 1979 act [1979 ex.s. c 51] consists of the enactment of RCW 46.82.280 through 46.82.420 and 46.82.900 and the repeal of RCW 46.82.010 through 46.82.270.

(2) The effective date of this act [1979 ex.s. c 51] is September 1, 1979.

**46.82.320 Instructor's license—Required—Application, renewal, fees—Laboratory phase only, rules—Identification card—Notice of change in employment.** (1) No person, including the owner, operator, partner, officer, or stockholder of a driver training school shall give instruction in the operation of an automobile for a fee without a license issued by the director for that purpose. An application for an instructor's license shall be filed with the director, containing such information as prescribed by the director, accompanied by an application fee of twenty-five dollars which shall in no event be refunded. If the application is approved by the director and the applicant satisfactorily meets the

examination requirements as prescribed in RCW 46.82-.330, the applicant shall be granted a license valid for a period of one year from the date of issuance.

(2) The annual fee for renewal of an instructor's license shall be five dollars. The director shall issue a license certificate to each licensee which shall be conspicuously displayed in the place of business of the employing driver training school. Unless revoked, canceled, or denied by the director, the license shall remain the property of the licensee in the event of termination of employment or employment by another driver training school. If a renewal application has not been received by the director within sixty days from the date a notice of license expiration was mailed to the licensee, the license will be voided requiring a new application as provided for in this chapter, including examination and payment of all fees.

(3) Persons who qualify under the rules jointly adopted by the superintendent of public instruction and the director of licensing to teach only the laboratory phase, shall be subject to a ten dollar examination fee.

(4) Each licensee shall be provided with a wallet-size identification card by the director at the time the license is issued which shall be carried on the instructor's person at all times while engaged in instructing.

(5) The person to whom an instructor's license has been issued shall notify the director in writing within thirty days of any change of employment or termination of employment, providing the name and address of the new driver training school by whom the instructor will be employed. [1986 c 80 § 2; 1979 ex.s. c 51 § 5.]

**46.82.430 Information on proper use of left-hand lane.** Instructional material used in driver training schools shall include information on the proper use of the left-hand lane on multilane highways. [1986 c 93 § 5.]

*Keep right except when passing, etc.: RCW 46.61.100.*

**Chapter 46.85**

**RECIPROCAL OR PROPORTIONAL REGISTRATION OF VEHICLES**

Sections	
46.85.120	Proportional registration of fleet vehicles, application, fee—Formula and payment. (Effective January 1, 1987.)
46.85.130	Registration and identification of proportionally registered vehicles, effect of—Refusal or revocation, hearing. (Effective January 1, 1987.)
46.85.135	Repealed. (Effective January 1, 1987.)
46.85.147	Repealed. (Effective January 1, 1987.)
46.85.160	Withdrawal of fleet vehicles, credits and accounting. (Effective January 1, 1987.)

**46.85.120 Proportional registration of fleet vehicles, application, fee—Formula and payment.** (Effective January 1, 1987.) (1) Any owner engaged in interstate operation of one or more fleets may, in lieu of registration of vehicles under chapter 46.16 RCW, register and license each fleet for operation in this state under chapter 46.85 RCW by filing a prorate application for each

fleet with the department containing 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 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 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 fees and taxes required under subsection (2)(c) 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 of the proratable fees and taxes required by RCW 46.16.070, 46.16.085, 82.38.075, and 82.44.020 by the fraction obtained under subsection (2)(a) of this section.

(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 nonmotor vehicles in a separate application and compute and pay the fees therefor in accordance with such separate application, as to which "total miles" shall be the total miles operated in all jurisdictions during the preceding year. [1986 c 18 § 19; 1985 c 173 § 4; 1981 c 222 § 3; 1973 c 115 § 1; 1971 c 51 § 1; 1963 c 106 § 12.]

**Effective date—1986 c 18:** See note following RCW 46.87.010.

**46.85.130 Registration and identification of proportionally registered vehicles, effect of—Refusal or revocation, hearing.** (Effective January 1, 1987.) (1) The department, upon acceptance and approval of a prorate application, 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 and taxes for such application. A registration cab 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 plate issued to such proportionally registered vehicle and shall be carried in such vehicles at all times or, in the case of a combination, it may be carried 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 authorization permits (TAPs) to qualifying operators for the operation of vehicles pending issuance of license identification. A fee of one dollar plus a one dollar filing fee shall be collected for each permit issued. The permit fee shall be deposited in the motor vehicle fund, and the filing fee shall be distributed pursuant to RCW 46.01-.140. The department shall have the authority to adopt rules for use and issuance of the permits.

(4) The department may refuse to issue any license or permit authorized by subsections (1) or (3) of this section to any person: (a) Who formerly held any type of license or permit issued by the department pursuant to chapter 46.16, 46.85, 82.36, 82.37, or 82.38 RCW which has been revoked for cause, which cause has not been removed; or (b) who is a subterfuge for the real party in interest whose license or permit issued by the department pursuant to chapter 46.16, 46.85, 82.36, 82.37, or 82.38 RCW and has been revoked for cause, which cause has not been removed; or (c) who, as an individual licensee, or officer, director, owner, or managing employee of a nonindividual licensee, has had a license or permit issued by the department pursuant to chapter 46.16, 46.85, 82.36, 82.37, or 82.38 RCW which has been revoked for cause, which cause has not been removed; or (d) who has an unsatisfied debt to the state assessed under either chapter 46.16, 46.85, 82.36, 82.37, 82.38, or 82.44 RCW.

(5) The department may revoke the license or permit authorized by subsections (1) or (3) of this section issued to any person for any of the grounds constituting cause for denial of licenses or permits set forth in subsection (4) of this section.

(6) Before such refusal or revocation under subsections (4) or (5) of this section, the department shall grant the applicant a hearing and shall grant him at least ten days written notice of the time and place thereof. [1986 c 18 § 20; 1981 c 222 § 4; 1963 c 106 § 13.]

**Effective date**—1986 c 18: See note following RCW 46.87.010.

**46.85.135 Repealed. (Effective January 1, 1987.)**  
See Supplementary Table of Disposition of Former RCW Sections, this volume.

**46.85.147 Repealed. (Effective January 1, 1987.)**  
See Supplementary Table of Disposition of Former RCW Sections, this volume.

**46.85.160 Withdrawal of fleet vehicles, credits and accounting. (Effective January 1, 1987.)** 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 notify the department on appropriate forms to be prescribed by the department. The department may require the owner to surrender proportional registration cab cards and other identification devices which have been issued to such vehicle. If a motor 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 licensing fee paid under RCW 46.16.070 with respect to such vehicle 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. Credit shall be applied against the licensing fee liability for subsequent additions of motor vehicles to be prorated during such registration year or for additional licensing fees due under RCW 46.16.070 or determined to be 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 any amount be credited against fees other than those for such registration year nor shall any amount be subject to refund. [1986 c 18 § 21; 1971 c 51 § 2; 1963 c 106 § 16.]

**Effective date**—1986 c 18: See note following RCW 46.87.010.

## Chapter 46.87

### INTERNATIONAL REGISTRATION PLAN

(Effective January 1, 1987.)

#### Sections

46.87.010	Applicability—Implementation.
46.87.020	Definitions.
46.87.030	Part-year registration—Credit for unused fees.
46.87.040	Purchase of additional gross weight.
46.87.050	Deposit of fees.
46.87.060	Apportionment of fees, formula.
46.87.070	License plate, registration, which state.
46.87.080	Special license plates—Design, procedures.
46.87.090	Apportioned vehicle license plates—Replacement.
46.87.100	Repealed.
46.87.110	Repealed.
46.87.900	Severability—1985 c 380.

**46.87.010 Applicability—Implementation.** This chapter applies to proportional registration and reciprocity granted under provisions of the International Registration Plan (IRP) and will be implemented beginning with the first registration year following the year in which Washington becomes a member of the IRP\*. Provisions and terms of the IRP shall prevail unless given a different meaning in this chapter or in rules adopted under the authority of this chapter. The director may adopt and enforce rules deemed necessary to implement and administer this chapter. Beginning with the first registration year in which the state of Washington begins registering fleets under provisions of the IRP,



registrants having a fleet of apportioned vehicles operating in two or more member jurisdictions may elect to proportionally register the vehicles of the fleet under the provisions of this chapter in lieu of full, proportional, or temporary registration as provided for in chapter 46.16, 46.85, or 46.88 RCW. [1986 c 18 § 22; 1985 c 380 § 1.]

**Effective date**—1985 c 380; 1986 c 18: "Chapter 380, Laws of 1985 and this 1986 act shall take effect on January 1st 1987. The new fees required by RCW 46.16.070, 46.16.080, 46.16.090, and 46.16.085 shall be assessed beginning with the renewal of vehicle registrations with a December 1986 expiration date or later and all initial registrations that become effective on or after January 1, 1987. The director of the department of licensing may immediately take such steps as are necessary to insure that this act is implemented on its effective date." [1986 c 18 § 27; 1985 c 380 § 25.]

**\*Reviser's note:** At the time of publication of this 1986 Supplement to the Revised Code of Washington, this state had not become a member of the International Registration Plan. Consult the department of licensing for current information.

**46.87.020 Definitions.** Terms used in this chapter have the meaning given to them in the International Registration Plan, chapter 46.04 RCW, or as otherwise defined in this section. Definitions given to terms by the International Registration Plan shall prevail unless given a different meaning in this chapter.

(1) "Apportionable vehicle" has the meaning given by the IRP, except that it does not include vehicles with a declared gross weight of twelve thousand pounds or less. Apportionable vehicles include trucks, tractors, truck tractors, road tractors, buses, converter gears (auxiliary axles), trailers, semitrailers, and pole trailers, each as separate vehicles.

(2) "Declared combined gross vehicle weight" means the total unladen weight of any combination of vehicles plus the maximum load to be carried on that combination of vehicles as set by the registrant in the application and for which registration fees have been or are to be paid.

(3) "Declared gross vehicle weight" means the total unladen weight of any vehicle plus the maximum load to be carried on that vehicle as set by the registrant in the application and for which registration fees have been or are to be paid. In the case of a bus, auto stage, or a passenger-carrying for hire vehicle with a seating capacity of more than six, the maximum load may be determined by multiplying the average load factor of seventy-five pounds by the number of seats in the vehicle.

(4) "Department" means the department of licensing.

(5) "Registration year" means the twelve-month period during which the registration plates issued by the base jurisdiction are valid according to the laws of the base jurisdiction. The "registration year" for Washington is the period from January 1st through December 31st of each calendar year. [1985 c 380 § 2.]

**46.87.030 Part-year registration**—**Credit for unused fees.** (1) When application to register an apportioned vehicle is made after March 31st of a registration year, the apportionable fees may be reduced by one-twelfth for each full registration month that has elapsed at the time a temporary authorization permit (TAP) was

issued or if no TAP was issued, at such time as an application for registration is received in the department. The filing of any application with the department incurs liability for the fees and taxes applicable to the vehicles contained in the application. If the vehicle is being added to a currently registered fleet, the mileage percentage previously established for the fleet shall be used in the computation of the fees.

(2) A motor vehicle permanently withdrawn from service that was previously registered as part of a proportionally registered fleet may be deleted from the fleet by the registrant by submitting a supplemental application to the department. Upon receipt of the application and surrender of the original cab card and license plates of the vehicle, the unused portion of the fees paid for each full month of the registration year remaining shall be applied against liability of the registrant for license fees due for motor vehicles added to the fleet during the remainder of the same registration year. If any such credit is less than fifteen dollars, no credit will be given. In no event is the amount subject to refund. [1986 c 18 § 23; 1985 c 380 § 3.]

**Effective date**—1986 c 18: See note following RCW 46.87.010.

**46.87.040 Purchase of additional gross weight.** Additional gross weight may be purchased for apportionable motor vehicles to the limits authorized under chapter 46.44 RCW. Reregistration at the higher gross weight (forty thousand pounds for a solo three-axle truck or eighty thousand pounds for a combination) for the balance of the registration year, including the full registration month in which the vehicle is licensed at the higher gross weight. The apportionable fee initially paid to the state of Washington, reduced for the number of full registration months the license was in effect, will be deducted from the total fee to be paid to this state for licensing at the higher gross weight for the balance of the registration year. No credit or refund will be given for a reduction of gross weight. [1985 c 380 § 4.]

**46.87.050 Deposit of fees.** Each day the department shall forward to the state treasurer the fees collected under this chapter, and within ten days of the end of each registration quarter, a detailed report identifying the amount to be deposited to each account for which fees are required for the licensing of apportionable vehicles. Such fees shall be deposited pursuant to RCW 46.68.035, 82.44.110, and 82.44.170. [1985 c 380 § 5.]

**46.87.060 Apportionment of fees, formula.** The apportionment of fees to member jurisdictions shall be in accordance with the provisions of the IRP agreement based on the apportionable fee multiplied by the mileage percentage for each jurisdiction in which the fleet will operate. [1985 c 380 § 6.]

**46.87.070 License plate, registration, which state.** Any trailer, semitrailer, converter gear (auxiliary axles), or pole trailer being pulled by a motor vehicle that is apportioned under the terms of this chapter shall display

a valid vehicle license plate issued by the base jurisdiction and be registered in this state. [1985 c 380 § 7.]

**46.87.080 Special license plates—Design, procedures.** Upon making satisfactory application and payment of fees for proportional registration under the IRP, the department shall issue to Washington-based fleets two distinctive license plates for each motor vehicle and one such plate for each trailer, semitrailer, pole trailer, or converter gear listed on the application. License plates shall be displayed on vehicles as required by RCW 46.16.240. The number and plate shall be of a design, size, and color determined by the department. The plates shall be treated with reflectorized material and clearly marked with the words "WASHINGTON" and "APPORTIONED," both words to appear in full and without abbreviation.

The vehicle license plates are not transferrable from vehicle to vehicle and shall be used only on the vehicle to which they are assigned by the department as long as they are legible or until such time as the department requires them to be removed and returned to the department. A distinctive tab or emblem of a design, size, and color determined by the department shall be affixed to the license plates as prescribed by the department to indicate the year for which the vehicle is registered. Renewals shall be effected by the issuance and display of such tab or emblem after making satisfactory application and payment of applicable fees and taxes. [1985 c 380 § 8.]

**46.87.090 Apportioned vehicle license plates—Replacement.** To replace a vehicle license plate(s) due to the loss, defacement, or destruction of the plate(s) issued for an apportioned vehicle, the owner shall apply for new apportioned vehicle license plates on a form furnished by the department. The application, together with the cab card of the vehicle, shall be filed with the department. A fee of ten dollars for vehicles required to display two apportioned vehicle license plates or five dollars for vehicles required to display one apportioned vehicle license plate shall accompany the application. The department shall issue a new apportioned vehicle license plate(s) and cab card upon acceptance of the completed application form and the required replacement fee. [1986 c 18 § 24; 1985 c 380 § 9.]

**Effective date—1986 c 18:** See note following RCW 46.87.010.

**46.87.100 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**46.87.110 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**46.87.900 Severability—1985 c 380.** 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. [1985 c 380 § 26.]

## Chapter 46.88

### OUT-OF-STATE COMMERCIAL VEHICLES— INTRASTATE PERMITS

#### Sections

46.88.010 Commercial vehicles registered in another state—Permits for intrastate operations. (Effective January 1, 1987.)

**46.88.010 Commercial vehicles registered in another state—Permits for intrastate operations.** (Effective January 1, 1987.) 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. Such permits may be issued for thirty, sixty, or ninety day periods. The cost of each such permit shall be one-twelfth of the fees provided for in RCW 46.16.070 or 46.16.085, as appropriate, and 82.44.020 for each thirty days' operations provided for in the permit. [1986 c 18 § 25; 1979 c 158 § 202; 1969 ex.s. c 281 § 32.]

**Effective date—1986 c 18:** See note following RCW 46.87.010.

**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.]

**Reviser's note:** Section 32 is codified as RCW 46.88.010, section 54 as RCW 46.16.070.

## Chapter 46.90

### WASHINGTON MODEL TRAFFIC ORDINANCE

#### Sections

46.90.300 Certain RCW sections adopted by reference.  
46.90.406 Certain RCW sections adopted by reference.

**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, 46.12.101, 46.12.102, 46.12.260, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, 46.12.380, 46.16.010, 46.16.025, 46.16.028, 46.16.030, 46.16.088, 46.16.135, 46.16.140, 46.16.145, 46.16.170, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.381, 46.16.390, 46.16.500, 46.16.505, 46.20.011, 46.20.021, 46.20.022, 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, 46.20.394, 46.20.410, 46.20.416, 46.20.420, 46.20.430, 46.20.435, 46.20.440, 46.20.500, 46.20.510, 46.20.550, 46.20.599, 46.20.600, 46.29.605, 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,  
 46.37.196, 46.37.200, 46.37.210, 46.37.215, 46.37.220,  
 46.37.230, 46.37.240, 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, 46.37.369, 46.37.375, 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, 46.37.465,  
 46.37.467, 46.37.480, 46.37.490, 46.37.500, 46.37.510,  
 46.37.513, 46.37.517, 46.37.520, 46.37.522, 46.37.523,  
 46.37.524, 46.37.525, 46.37.527, 46.37.528, 46.37.529,  
 46.37.530, 46.37.535, 46.37.537, 46.37.539, 46.37.540,  
 46.37.550, 46.37.560, 46.37.570, 46.37.590, 46.37.600,  
 46.37.610, 46.44.010, 46.44.020, 46.44.030, 46.44.034,  
 46.44.036, 46.44.037, 46.44.041, 46.44.042, 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, 46.44.100,  
 46.44.120, 46.44.130, 46.44.140, 46.44.170, 46.44.173,  
 46.44.175, 46.44.180, 46.48.170, 46.52.010, 46.52.020,  
 46.52.030, 46.52.040, 46.52.070, 46.52.080, 46.52.088,  
 46.52.090, 46.52.100, 46.52.170, 46.52.180, 46.52.190,  
 46.52.200, 46.65.090, 46.79.120, and 46.80.010. [1986 c  
 24 § 1; 1985 c 19 § 1. Prior: 1984 c 154 § 6; 1984 c 108  
 § 1; 1983 c 30 § 2; 1982 c 25 § 1; 1980 c 65 § 2; 1977  
 ex.s. c 60 § 1; 1975 1st ex.s. c 54 § 50.]

**Intent—Application—Severability—1984 c 154:** See notes following RCW 46.16.381.

**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 46.55.010, 46.55.020, 46.55.030, 46.55.040, 46.55.050, 46.55.060, 46.55.070, 46.55.080, 46.55.090, 46.55.100, 46.55.110, 46.55.120, 46.55.130, 46.55.140, 46.55.150, 46.55.160, 46.55.170, 46.55.230, 46.55.240, 46.61.015, 46.61.020, 46.61.021, 46.61.022, 46.61.025, 46.61.030, 46.61.035, 46.61.050, 46.61.055, 46.61.060, 46.61.065, 46.61.070, 46.61.072, 46.61.075, and 46.61-.080. [1986 c 24 § 2; 1980 c 65 § 3; 1977 ex.s. c 60 § 2; 1975 1st ex.s. c 54 § 64.]

## Title 47

### PUBLIC HIGHWAYS AND TRANSPORTATION

#### Chapters

- 47.10 Highway construction bonds.**
- 47.26 Development in urban areas—Urban arterials.**
- 47.36 Traffic control devices.**
- 47.42 Highway advertising control act—Scenic Vistas Act.**
- 47.60 Puget Sound ferry and toll bridge system.**

#### Chapter 47.10

### HIGHWAY CONSTRUCTION BONDS

#### Sections

- 47.10.791 Administration and amount of bond sales.
- 47.10.792 Bond proceeds—Deposit and use.
- 47.10.802 Administration and amount of bond sales.
- 47.10.803 Bond proceeds—Deposit and use.

#### **47.10.791 Administration and amount of bond sales.**

Upon request being made by the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.790 in accordance with the provisions of chapter 39.42 RCW. The amount of such bonds issued and sold under the provisions of RCW 47.10.790 through 47.10.798 in any biennium may not exceed the amount of a specific appropriation therefor. Such bonds may be sold from time to time in such amounts as may be necessary for the orderly progress of the state highway improvements specified in RCW 47.10.790. The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued under this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued. [1986 c 290 § 6; 1979 ex.s. c 180 § 2.]

**47.10.792 Bond proceeds—Deposit and use.** The proceeds from the sale of the bonds authorized by RCW 47.10.790 shall be deposited in the motor vehicle fund and such proceeds shall be available only for the purposes enumerated in RCW 47.10.790, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds. The costs of obtaining insurance, letters of credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds. [1986 c 290 § 7; 1979 ex.s. c 180 § 3.]

**47.10.802 Administration and amount of bond sales.** Upon request being made by the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.801 in accordance with

chapter 39.42 RCW. The amount of such bonds issued and sold under RCW 47.10.801 through 47.10.809 in any biennium may not exceed the amount of a specific appropriation therefor. Such bonds may be sold from time to time in such amounts as may be necessary for the orderly progress of the state highway improvements specified in RCW 47.10.801. The amount of bonds issued and sold under RCW 47.10.801(1)(a) in any biennium shall not, except as provided in that section, exceed the amount required to match federal-aid interstate funds available to the state of Washington. The transportation commission shall give notice of its intent to sell bonds to the legislative transportation committee before requesting the state finance committee to issue and sell bonds authorized by RCW 47.10.801(1)(a). The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued under this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued. [1986 c 290 § 1; 1983 1st ex.s. c 53 § 23; 1982 c 19 § 2; 1981 c 316 § 2.]

**Severability**—1983 1st ex.s. c 53: "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." [1983 1st ex.s. c 53 § 36.]

**Severability**—1982 c 19: See note following RCW 47.10.801.

**47.10.803 Bond proceeds—Deposit and use.** The proceeds from the sale of the bonds authorized by RCW 47.10.801(1) (a) and (b) shall be deposited in the motor vehicle fund. The proceeds from the sale of the bonds authorized by RCW 47.10.801(1)(c) shall be deposited in the economic development account of the motor vehicle fund, hereby created. All such proceeds shall be available only for the purposes enumerated in RCW 47.10.801, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds. The costs of obtaining insurance, letters of credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds. [1986 c 290 § 2; 1985 c 433 § 8; 1981 c 316 § 3.]

**Intent—Nonseverability**—1985 c 433: See RCW 43.160.073 and note following.

## Chapter 47.26

### DEVELOPMENT IN URBAN AREAS—URBAN ARTERIALS

#### Sections

- |           |   |
|-----------|---|
| 47.26.421 | Bonds—Term—Terms and conditions—Signatures—Registration—Where payable—Negotiable instruments. |
| 47.26.422 | Bonds—Denominations—Manner and terms of sale—Legal investment for state funds.                |
| 47.26.423 | Bonds—Bond proceeds—Deposit and use.  |

**47.26.421 Bonds—Term—Terms and conditions—Signatures—Registration—Where payable—Negotiable instruments.** Each of such first authorization bonds, series II bonds, and series III 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, either or both of which signatures 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 Seattle or 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. [1986 c 290 § 3; 1981 c 315 § 6; 1979 c 5 § 4; 1973 1st ex.s. c 169 § 5; 1967 ex.s. c 83 § 46.]

**Effective date**—1981 c 315: See note following RCW 47.26.060.

**Construction**—1979 c 5: See note following RCW 47.26.420.

**47.26.422 Bonds—Denominations—Manner and terms of sale—Legal investment for state funds.** The first authorization bonds, series II bonds, and series III 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. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or

interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued. Bonds issued under the provisions of RCW 47.26.420 through 47.26.427 and 47.26.425 shall be legal investment for any of the funds of the state, except the permanent school fund. [1986 c 290 § 4; 1981 c 315 § 7; 1979 c 5 § 5; 1967 ex.s. c 83 § 47.]

**Effective date**—1981 c 315: See note following RCW 47.26.060.

**Construction**—1979 c 5: See note following RCW 47.26.420.

**47.26.423 Bonds—Bond proceeds—Deposit and use.** The money arising from the sale of the first authorization bonds, series II bonds, and series III 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. The costs of obtaining insurance, letters of credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds. [1986 c 290 § 5; 1981 c 315 § 8; 1979 c 5 § 6; 1967 ex.s. c 83 § 48.]

**Effective date**—1981 c 315: See note following RCW 47.26.060.

**Construction**—1979 c 5: See note following RCW 47.26.420.

### Chapter 47.36

#### TRAFFIC CONTROL DEVICES

##### Sections

47.36.260 Signs indicating proper lane usage.

**47.36.260 Signs indicating proper lane usage.** The department shall erect signs on multilane highways indicating proper lane usage. [1986 c 93 § 6.]

*Keep right except when passing, etc:* RCW 46.61.100.

### Chapter 47.42

#### HIGHWAY ADVERTISING CONTROL ACT— SCENIC VISTAS ACT

##### Sections

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 and tourist-oriented directional signs within right of way of primary and scenic systems—"Gas," "Food," "Recreation," "Lodging"—Directional information—Individual business signs.

47.42.052 Supplemental directional signs—Erection by local governments.

**47.42.046 Specific information panels within right of way of interstate highway system—"Gas," "Food," or "Lodging"—Directional information—Individual business signs.** The department 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. Specific information panels are authorized within the corporate limits of cities and towns and areas zoned for commercial or industrial uses at locations where there is adequate distance between interchanges to ensure compliance with the provisions of Title 23 C.F.R. sec. 655.307(a). The erection and maintenance of specific information panels shall conform to the national standards promulgated by the United States secretary of transportation pursuant to sections 131 and 315 of Title 23, United States Code and rules adopted by the state department of transportation. A motorist service business located within one mile of a state highway 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 department 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 department shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance. [1986 c 114 § 1; 1985 c 142 § 1; 1984 c 7 § 223; 1974 ex.s. c 80 § 2.]

**Severability**—1984 c 7: See note following RCW 47.01.141.

**47.42.047 Specific information panels and tourist-oriented directional signs within right of way of primary and scenic systems—"Gas," "Food," "Recreation," "Lodging"—Directional information—Individual business signs.** The department is authorized to erect and maintain specific information panels within the right of way of both the primary system and the scenic system 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. Such specific information panels and tourist-oriented directional signs shall be permitted only at locations within the corporate limits of cities and towns and areas zoned for commercial or industrial uses where there is adequate distance between interchanges to ensure compliance with the provisions of Title 23 C.F.R. secs. 655.308(a) and 655.309(a). 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 United States secretary of transportation pursuant to

sections 131 and 315 of Title 23 United States Code and rules adopted by the state department of transportation including the manual on uniform traffic control devices for streets and highways. A motorist service business located within one mile of a state highway 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 department 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 department shall adopt rules for the erection and maintenance of tourist-oriented directional signs with the following restrictions:

(1) Where installed, they shall be placed in advance of the "GAS," "FOOD," "RECREATION," or "LODGING" specific information panels previously described in this section;

(2) Signs shall not be placed to direct a motorist to an activity visible from the main traveled roadway;

(3) Premises on which the qualified tourist-oriented business is located must be within fifteen miles of the state highway, and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway.

The department shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance. [1986 c 114 § 2; 1985 c 376 § 4; 1985 c 142 § 2; 1984 c 7 § 224; 1974 ex.s. c 80 § 4.]

**Legislative intent—1985 c 376:** See note following RCW 47.42.020.

**Severability—1984 c 7:** See note following RCW 47.01.141.

**47.42.052 Supplemental directional signs—Erection by local governments.** (1) The legislative authority of any county, city, or town may erect, or permit the erection of, supplemental directional signs directing motorists to motorist service businesses qualified for specific information panels pursuant to RCW 47.42.047 in any location on, or adjacent to, the right of way of any roads or streets within their jurisdiction.

(2) Appropriate fees may be charged to cover the cost of issuing permits, installation, or maintenance of such signs.

(3) Supplemental signs and their locations shall comply with all applicable provisions of this chapter, sections 131 and 315 of Title 23 United States Code, and such rules as may be adopted by the department including the manual on uniform traffic control devices for streets and highways. [1986 c 114 § 3.]

## Chapter 47.60

### PUGET SOUND FERRY AND TOLL BRIDGE SYSTEM

#### Sections

- 47.60.150 Fixing of charges—Deposit, segregation, and disbursement of revenues. (Effective July 1, 1987.)  
47.60.350 through 47.60.390 Repealed. (Effective July 1, 1987.)

- 47.60.400 Refunding bonds authorized, 1961 Act. (Effective July 1, 1987.)  
47.60.410 Repealed. (Effective July 1, 1987.)  
47.60.420 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Prior charge against Puget Sound capital construction account if ferry system and Hood Canal bridge revenues insufficient—Repayment. (Effective July 1, 1987.)  
47.60.430 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Agreement to continue imposition of certain taxes. (Effective July 1, 1987.)  
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. (Effective July 1, 1987.)  
47.60.450 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Revision of tolls to meet debt service. (Effective July 1, 1987.)  
47.60.500 Acquisition of additional ferries—Legislative finding—Department authority. (Effective July 1, 1987.)  
47.60.504 Repealed. (Effective July 1, 1987.)  
47.60.505 Puget Sound capital construction account—Created—Use. (Effective July 1, 1987.)  
47.60.550 Parking or holding area for ferry patrons in conjunction with municipal off-street parking facilities. (Effective July 1, 1987.)  
47.60.560 General obligation bonds—Ferries—Authorized—Purposes—Passenger-only vessels—Issuance, sale, and retirement.  
47.60.570 Disposition of proceeds from sale of bonds.  
47.60.620 Reimbursements and transfers of funds. (Effective July 1, 1987.)

**47.60.150 Fixing of charges—Deposit, segregation, and disbursement of revenues.** (Effective July 1, 1987.) Subject to the provisions of RCW 47.60.326, the schedule of charges for the services and facilities of the system shall be fixed and revised from time to time by the commission 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 capital construction 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 department as a separate trust fund and to be segregated and disbursed upon order of the department: *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. No expenditure may be made from the revenue fund established under this section and the bond resolution without an appropriation by law. [1986 c 66 §

2; 1986 c 23 § 1; 1983 c 3 § 135; 1972 ex.s. c 24 § 5; 1961 c 13 § 47.60.150. Prior: 1949 c 179 § 5, part; Rem Supp. 1949 § 6584-34, part.]

**Reviser's note:** This section was amended by 1986 c 23 § 1 and by 1986 c 66 § 2, both effective July 1, 1987, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective date—1986 c 66:** See note following RCW 46.68.100.

**Effective date—1986 c 23:** "This act shall take effect on July 1, 1987. The secretary of transportation may immediately take such steps as may be necessary to insure that this act is implemented on its effective date." [1986 c 23 § 2.]

**47.60.350 through 47.60.390 Repealed. (Effective July 1, 1987.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**47.60.400 Refunding bonds authorized, 1961 Act. (Effective July 1, 1987.)** 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. With respect to the issuing of such bonds and the payment of principal and interest thereon, the payment into reserves, sinking funds, 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. [1986 c 66 § 3; 1961 ex.s. c 9 § 1.]

**Reviser's note:** Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

**Effective date—1986 c 66:** See note following 46.68.100.

**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 Repealed. (Effective July 1, 1987.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**47.60.420 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Prior charge against Puget Sound capital construction account if ferry system and Hood Canal bridge revenues insufficient—Repayment. (Effective July 1, 1987.)** To the extent that all revenues from the 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 under 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 department has established with respect

to the securing of the bonds, there is imposed a first and prior charge against the Puget Sound capital construction account of the motor vehicle fund created by RCW 47.60.505 and, to the extent required, against all revenues required by RCW 46.68.100 to be deposited in the Puget Sound capital construction 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, the department shall use moneys in the Puget Sound capital construction account for such purpose. Any moneys from the Puget Sound capital construction account used by the department to pay the obligations shall be repaid by the department 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. [1986 c 66 § 4; 1984 c 7 § 330; 1961 ex.s. c 9 § 3.]

**Effective date—1986 c 66:** See note following RCW 46.68.100.

**Severability—1984 c 7:** See note following RCW 47.01.141.

**47.60.430 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Agreement to continue imposition of certain taxes. (Effective July 1, 1987.)** So long as any bonds issued as authorized herein are outstanding, the state hereby agrees to continue to impose at least one-quarter cent of motor vehicle fuel tax and one-quarter cent of special fuel tax required by law and to deposit the proceeds of these taxes in the Puget Sound capital construction account of the motor vehicle fund. [1986 c 66 § 5; 1961 ex.s. c 9 § 4.]

**Effective date—1986 c 66:** See note following RCW 46.68.100.

**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. (Effective July 1, 1987.)** The Washington state ferry system shall be efficiently managed, operated, and maintained as a revenue-producing undertaking. Subject to the provisions of RCW 47.60.326 the commission 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 capital construction account available for debt service will produce net revenue available for debt 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.

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 commission but shall not be

deemed to constitute a contract to that effect for the benefit of the holders of such bonds. [1986 c 66 § 6; 1983 c 3 § 139; 1972 ex.s. c 24 § 7; 1963 ex.s. c 3 § 42; 1961 ex.s. c 9 § 5.]

**Effective date**—1986 c 66: See note following RCW 46.68.100.

**47.60.450 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Revision of tolls to meet debt service.** (Effective July 1, 1987.) If the net revenue together with all moneys in the Puget Sound capital construction 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 commission shall promptly revise the tolls and charges after considering supporting data and recommendations therefor which shall be furnished by a nationally recognized traffic engineering firm retained by the commission in the manner provided in the bond proceedings.

Tolls and charges shall not be increased in any case when in the opinion of the engineering firm the increase would so reduce traffic that no net gain in revenue would result. This section is a covenant for the benefit of the holders of the bonds. [1986 c 66 § 7; 1984 c 7 § 331; 1961 ex.s. c 9 § 6.]

**Effective date**—1986 c 66: See note following RCW 46.68.100.

**Severability**—1984 c 7: See note following RCW 47.01.141.

**47.60.500 Acquisition of additional ferries—Legislative finding—Department authority.** (Effective July 1, 1987.) (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 department is authorized:

(a) To apply to the United States secretary of transportation for a financial grant to assist the state to acquire urgently needed ferries;

(b) To enter into an agreement with the United States 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 the agreement the department may pledge any moneys in the Puget Sound capital construction account, not required for debt service, in the motor vehicle fund or any moneys to be deposited in the account for the purpose of paying the state's share of the cost of acquiring ferries. To the extent of the pledge the department shall use the moneys available in the Puget Sound capital construction account to meet the obligations as they arise. [1986 c 66 § 8; 1984 c 7 § 333; 1970 ex.s. c 85 § 1.]

**Effective date**—1986 c 66: See note following RCW 46.68.100.

**Severability**—1984 c 7: See note following RCW 47.01.141.

**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.]

**47.60.504 Repealed.** (Effective July 1, 1987.) See Supplementary Table of Disposition of Former RCW Sections, this volume.

**47.60.505 Puget Sound capital construction account—Created—Use.** (Effective July 1, 1987.) 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 department of transportation for:

(1) Reimbursing the motor vehicle fund for all transfers therefrom made in accordance with RCW 47.60-.620; and

(2) Improving the Washington state ferry system including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, terminal construction and improvements, and reconstruction or replacement of, and improvements to, the Hood Canal bridge, reimbursement of the motor vehicle fund for any state funds, other than insurance proceeds, expended therefrom for reconstruction or replacement of and improvements to the Hood Canal bridge, pursuant to proper appropriations: *Provided*, That any funds accruing to the Puget Sound capital construction account after June 30, 1979, which are not required to reimburse the motor vehicle fund pursuant to RCW 47.60.620 as such obligations come due nor are required for capital improvements of the Washington state ferries pursuant to appropriations therefor shall from time to time as shall be determined by the department of transportation be transferred by the state treasurer to the Puget Sound ferry operations account in the motor vehicle fund.

(3) The department may pledge any moneys in the Puget Sound capital construction account or to be deposited in that account to guarantee the payment of principal or interest on bonds issued to refund the outstanding 1955 Washington state ferry system refunding bonds and the 1957 ferry and Hood Canal bridge revenue bonds.

The department may further pledge moneys in the Puget Sound capital construction account to meet any sinking fund requirements or reserves established by the department with respect to any bond issues provided for in this section.

To the extent of any pledge authorized in this section, the department shall use the first moneys available in the Puget Sound capital construction account to meet such obligations as they arise, and shall maintain a balance of not less than one million dollars in the account for this purpose.

(4) The treasurer shall never transfer any moneys from the Puget Sound capital construction account for use by the department 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 capital construction account. Whenever the department has pledged any moneys in the account for the purposes authorized in this section, the state agrees to continue to deposit in the Puget Sound capital construction account the motor vehicle fuel taxes and special fuel taxes as provided in



RCW 82.36.020 and 82.38.290 and further agrees that, so long as there exists any outstanding obligations pursuant to such pledge, to continue to impose such taxes.

(5) Funds in the Puget Sound capital construction account of the motor vehicle fund that are not required by the department for payment of principal or interest on bond issues or for any of the other purposes authorized in this chapter may be invested by the department in bonds and obligations of the nature eligible for the investment of current state funds as provided in RCW 43.84.080. [1986 c 66 § 9; 1979 c 27 § 3; 1977 ex.s. c 360 § 10; 1970 ex.s. c 85 § 2.]

**Transfer of funds**—1986 c 66: "Moneys in the Puget Sound reserve account and ferry improvement fund on July 1, 1987, shall be transferred to the Puget Sound capital construction account." [1986 c 66 § 13.]

**Effective date**—1986 c 66: See note following RCW 46.68.100.

**Severability**—1979 c 27: See note following RCW 47.60.502.

**Severability**—1977 ex.s. c 360: See note following RCW 47.60.560.

**Effective date**—1970 ex.s. c 85: See note following RCW 47.60.500.

**47.60.550 Parking or holding area for ferry patrons in conjunction with municipal off-street parking facilities.** (Effective July 1, 1987.) (1) Whenever a county, city, or other municipal corporation acquires or constructs a 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 department may enter into an agreement with the local governmental body providing for the use in part or at specified times of the 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 department, subject to the limitations contained in RCW 47.60.505, may pledge any moneys in the Puget Sound capital construction account in the motor vehicle fund, or to be deposited in the 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 the parking facility. In making the pledge, the department shall reserve the right to issue its own bonds for the purpose of paying the costs of acquiring ferry vessels with the provision that the 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 department 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 the 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 department shall use the first moneys available in the Puget Sound capital

construction account to meet the obligations as they arise. [1986 c 66 § 10; 1984 c 7 § 335; 1975-'76 2nd ex.s. c 69 § 1.]

**Effective date**—1986 c 66: See note following RCW 46.68.100.

**Severability**—1984 c 7: See note following RCW 47.01.141.

**47.60.560 General obligation bonds—Ferries—Authorized—Purposes—Passenger-only vessels—Issuance, sale, and retirement.** In order to provide funds necessary for vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements for the Washington state ferries, there shall be issued and sold upon the request of the department general obligation bonds of the state of Washington in the sum of one hundred thirty-five million dollars or such amount thereof as may be required (together with other funds available therefor). If the state of Washington is able to obtain matching funds from the urban mass transportation administration or other federal government agencies for the acquisition of passenger-only vessels capable of operating as an integral part of the Washington state ferries on Puget Sound and the Straits of Juan de Fuca, a sufficient amount of the proceeds of the bonds authorized herein shall be used to pay the state's share of the acquisition cost of the passenger-only vessels. Upon request being made by the department, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds in accordance with chapter 39.42 RCW. The bonds may be sold from time to time in such amounts as may be necessary for the orderly progress in constructing the ferries. The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued under this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued. [1986 c 290 § 8; 1985 c 176 § 1; 1984 c 7 § 336; 1977 ex.s. c 360 § 1.]

**Severability**—1984 c 7: See note following RCW 47.01.141.

**Severability**—1977 ex.s. c 360: "If any provision of this 1977 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." [1977 ex.s. c 360 § 13.]

**47.60.570 Disposition of proceeds from sale of bonds.**

The proceeds from the sale of the bonds shall be deposited in the Puget Sound capital construction account of the motor vehicle fund and such proceeds shall be available only for the purposes enumerated in RCW 47.60.560, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds. The costs of obtaining insurance, letters of credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds. [1986 c 290 § 9; 1977 ex.s. c 360 § 2.]

**Severability—1977 ex.s. c 360:** See note following RCW 47.60.560.

**47.60.620 Reimbursements and transfers of funds.**

(Effective July 1, 1987.) Whenever, pursuant to RCW 47.60.600, the state treasurer shall transfer funds from the motor vehicle fund to the ferry bond retirement fund, the state treasurer shall at the same time reimburse the motor vehicle fund in an identical amount from the Puget Sound capital construction account. After each transfer by the treasurer of funds from the motor vehicle fund to the bond retirement fund and to the extent permitted by RCW 47.60.420, 47.60.505(3), and 47.60.505(4), the obligation to reimburse the motor vehicle fund as required herein shall constitute a first and prior charge against the funds within and accruing to the Puget Sound capital construction account, including the proceeds of the additional two-tenths of one percent excise tax imposed by RCW 82.44.020, as amended by chapter 332, Laws of 1977 ex. sess. All funds reimbursed to the motor vehicle fund as provided herein shall be distributed to the state for expenditure pursuant to RCW 46.68.130. [1986 c 66 § 11; 1977 ex.s. c 360 § 7.]

**Effective date—1986 c 66:** See note following RCW 46.68.100.

**Severability—1977 ex.s. c 360:** See note following RCW 47.60.560.

## Title 48 INSURANCE

**Chapters**

- 48.01** Initial provisions.
- 48.02** Insurance commissioner.
- 48.05** Insurers—General requirements.
- 48.14** Fees and taxes.
- 48.17** Agents, brokers, solicitors, and adjusters.
- 48.18** The insurance contract.
- 48.19** Rates.
- 48.20** Disability insurance.
- 48.21** Group and blanket disability insurance.
- 48.22** Casualty insurance.
- 48.44** Health care services.
- 48.46** Health maintenance organizations.
- 48.48** State fire protection.
- 48.50** Arson Reporting Immunity Act.
- 48.53** Fire insurance—Arson fraud reduction.

- 48.62** Local government insurance transactions.
- 48.80** Health Care False Claim Act.
- 48.84** Long-term Care Insurance Act.
- 48.88** Day care services—Joint underwriting association.
- 48.90** Day care centers—Self-insurance.

### Chapter 48.01 INITIAL PROVISIONS

**Sections**

- 48.01.180** Adopted children—Insurance coverage. (Effective January 1, 1987.)

**48.01.180 Adopted children—Insurance coverage.** (Effective January 1, 1987.) A child of an insured, subscriber, or enrollee shall be considered a dependent child for insurance purposes under this title: (1) Upon being physically placed with the insured, subscriber, or enrollee for the purposes of adoption under the laws of the state in which the insured, subscriber, or enrollee resides; and (2) upon assumption by the insured, subscriber, or enrollee of the financial responsibility for the medical expenses of the child.

Eligibility for coverage of an adopted child is governed by applicable contract, policy, or agreement provisions with respect to dependent children, including any established underwriting guidelines. [1986 c 140 § 1.]

**Effective date, application—1986 c 140:** "This act shall take effect January 1, 1987, and shall apply to all contracts or agreements issued, renewed, or delivered on or after January 1, 1987." [1986 c 140 § 6.]

**Reviser's note:** "This act" [1986 c 140] consisted of the enactment of RCW 48.01.180, 48.20.500, 48.21.280, 48.44.420, and 48.46.490.

**Severability—1986 c 140:** "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." [1986 c 140 § 7.]

### Chapter 48.02 INSURANCE COMMISSIONER

**Sections**

- 48.02.190** Operating costs of office—Insurance commissioner's regulatory account—Contributions by insurance organizations, fees.

**48.02.190 Operating costs of office—Insurance commissioner's regulatory account—Contributions by insurance organizations, fees.** (1) As used in this section:

(a) "Organization" means every insurer, as defined in RCW 48.01.050, having a certificate of authority to do business in this state and every health care service contractor registered to do business in this state. "Class one" organizations shall consist of all insurers as defined in RCW 48.01.050. "Class two" organizations shall consist of all organizations registered under provisions of chapter 48.44 RCW.

(b) "Receipts" means (i) net direct premiums consisting of direct gross premiums, as defined in RCW 48.18.170, paid for insurance written or renewed upon risks or property resident, situated, or to be performed in this

state, less return premiums and premiums on policies not taken, dividends paid or credited to policyholders on direct business, and premiums received from policies or contracts issued in connection with qualified plans as defined in RCW 48.14.021, and (ii) prepayments to health care service contractors as set forth in RCW 48.44.010(3) less experience rating credits, dividends, prepayments returned to subscribers, and payments for contracts not taken.

(2) The annual cost of operating the office of insurance commissioner shall be determined by legislative appropriation. A pro rata share of the cost shall be charged to all organizations. Each class of organization shall contribute sufficient in fees to the insurance commissioner's regulatory account to pay the reasonable costs, including overhead, of regulating that class of organization.

(3) Fees charged shall be calculated separately for each class of organization. The fee charged each organization shall be that portion of the cost of operating the insurance commissioner's office, for that class of organization, for the ensuing fiscal year that is represented by the organization's portion of the receipts collected or received by all organizations within that class on business in this state during the previous calendar year: *Provided*, That the fee shall not exceed one-eighth of one percent of receipts: *Provided further*, That the minimum fee shall be one thousand dollars.

(4) The commissioner shall annually, on or before June 1, calculate and bill each organization for the amount of its fee. Fees shall be due and payable no later than June 15 of each year: *Provided*, That if the necessary financial records are not available or if the amount of the legislative appropriation is not determined in time to carry out such calculations and bill such fees within the time specified, the commissioner may use the fee factors for the prior year as the basis for the fees and, if necessary, the commissioner may impose supplemental fees to fully and properly charge the organizations. The penalties for failure to pay fees when due shall be the same as the penalties for failure to pay taxes pursuant to RCW 48.14.060. The fees required by this section are in addition to all other taxes and fees now imposed or that may be subsequently imposed. The commissioner shall report fees to the legislative committees responsible for insurance and appropriations concurrent with notification to the organizations.

(5) All moneys collected shall be deposited in the insurance commissioner's regulatory account in the state treasury which is hereby created.

(6) Unexpended funds in the insurance commissioner's regulatory account at the close of a fiscal year shall be carried forward in the insurance commissioner's regulatory account to the succeeding fiscal year and shall be used to reduce future fees. [1986 c 296 § 7.]

**Severability—Effective date—1986 c 296:** See notes following RCW 48.14.020.

**Chapter 48.05**

**INSURERS—GENERAL REQUIREMENTS**

Sections	
48.05.320	Reports of fire losses.
48.05.380	Reports by property and casualty insurers—Rules.
48.05.390	Reports by various insurers—Contents.

**48.05.320 Reports of fire losses.** (1) Each authorized insurer shall promptly report to the director of community development, through the director of fire protection, upon forms as prescribed and furnished by him or her, each fire loss of property in this state reported to it and whether the loss is due to criminal activity or to undetermined causes.

(2) Each such insurer shall likewise report to the director of community development, through the director of fire protection, upon claims paid by it for loss or damage by fire in this state. Copies of all reports required by this section shall be promptly transmitted to the state insurance commissioner. [1986 c 266 § 66; 1985 c 470 § 16; 1947 c 79 § .05.32; Rem. Supp. 1947 § 45.05.32.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**Severability—Effective date—1985 c 470:** See notes following RCW 48.48.030.

**48.05.380 Reports by property and casualty insurers—Rules.** The insurance commissioner shall promulgate rules requiring insurers who are authorized to write property and casualty insurance in the state of Washington to record and report their Washington state loss and expense experiences and other data, as required by RCW 48.05.390. [1986 c 148 § 1; 1985 c 238 § 1.]

**Effective date—1985 c 238:** "The requirements of RCW 48.05.380 and 48.05.390 shall commence with the year-end report for the reporting period ending December 31, 1986. In addition, the data required under RCW 48.05.390 shall be provided for the years 1975 through 1985 and shall be filed with the commissioner on or before March 1, 1986." [1985 c 238 § 3.]

**Severability—1985 c 238:** "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." [1985 c 238 § 4.]

**48.05.390 Reports by various insurers—Contents.**

(1) The report required by RCW 48.05.380 shall include the types of insurance written by the insurer for policies pertaining to:

- (a) Medical malpractice for physicians and surgeons, hospitals, other health care professions, and other health care facilities individually;
- (b) Products liability;
- (c) Attorneys' malpractice;
- (d) Architects' and engineers' malpractice;
- (e) Municipal liability; and
- (f) Day care center liability.

(2) The report shall include the following data by the type of insurance for the previous year ending on the thirty-first day of December:

- (a) Direct premiums written;
- (b) Direct premiums earned;

(c) Net investment income, including net realized capital gain and losses, using appropriate estimates where necessary;

(d) Incurred claims, development as the sum of the following:

(i) Dollar amount of claims closed with payments; plus

(ii) Reserves for reported claims at the end of the current year; minus

(iii) Reserves for reported claims at the end of the previous year; plus

(iv) Reserves for incurred but not reported claims at the end of the current year; minus

(v) Reserves for incurred but not reported claims at the end of the previous year; plus

(vi) Reserves for loss adjustment expense at the end of the current year; minus

(vii) Reserves for loss adjustment expense at the end of the previous year.

(e) Actual incurred expenses allocated separately to loss adjustment, commissions, other acquisition costs, advertising, general office expenses, taxes, licenses and fees, and all other expenses;

(f) Net underwriting gain or loss;

(g) Net operation gain or loss, including net investment income;

(h) The number and dollar amount of claims closed with payment, by year incurred and the amount reserved for them;

(i) The number of claims closed without payment and the dollar amount reserved for those claims; and

(j) Other information requested by the insurance commissioner.

(3) The report shall be included as an addendum to the annual statement required by RCW 48.05.250. [1986 c 148 § 2; 1985 c 238 § 2.]

**Effective date—Severability—1985 c 238:** See notes following RCW 48.05.380.

## Chapter 48.14 FEES AND TAXES

### Sections

48.14.015	Repealed.
48.14.020	Premium taxes.
48.14.025	Prepayment of tax obligations under RCW 48.14.020.

**48.14.015 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**48.14.020 Premium taxes.** (1) Subject to other provisions of this chapter, each authorized insurer except title insurers shall on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax on premiums. Except as provided in subsection (2) of this section, such tax shall be in the amount of two percent of all premiums, excluding amounts returned to or the amount of reductions in premiums allowed to holders of industrial life policies for payment of premiums directly to an office of the insurer,

collected or received by the insurer during the preceding calendar year other than ocean marine and foreign trade insurances, after deducting premiums paid to policyholders as returned premiums, upon risks or property resident, situated, or to be performed in this state. For the purposes of this section the consideration received by an insurer for the granting of an annuity shall not be deemed to be a premium.

(2) In the case of insurers which require the payment by their policyholders at the inception of their policies of the entire premium thereon in the form of premiums or premium deposits which are the same in amount, based on the character of the risks, regardless of the length of term for which such policies are written, such tax shall be in the amount of two percent of the gross amount of such premiums and premium deposits upon policies on risks resident, located, or to be performed in this state, in force as of the thirty-first day of December next preceding, less the unused or unabsorbed portion of such premiums and premium deposits computed at the average rate thereof actually paid or credited to policyholders or applied in part payment of any renewal premiums or premium deposits on one-year policies expiring during such year.

(3) Each authorized insurer shall with respect to all ocean marine and foreign trade insurance contracts written within this state during the preceding calendar year, on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax of ninety-five one-hundredths of one percent on its gross underwriting profit. Such gross underwriting profit shall be ascertained by deducting from the net premiums (i.e., gross premiums less all return premiums and premiums for reinsurance) on such ocean marine and foreign trade insurance contracts the net losses paid (i.e., gross losses paid less salvage and recoveries on reinsurance ceded) during such calendar year under such contracts. In the case of insurers issuing participating contracts, such gross underwriting profit shall not include, for computation of the tax prescribed by this subsection, the amounts refunded, or paid as participation dividends, by such insurers to the holders of such contracts.

(4) The state does hereby preempt the field of imposing excise or privilege taxes upon insurers or their agents, other than title insurers, and no county, city, town or other municipal subdivision shall have the right to impose any such taxes upon such insurers or their agents.

(5) If an authorized insurer collects or receives any such premiums on account of policies in force in this state which were originally issued by another insurer and which other insurer is not authorized to transact insurance in this state on its own account, such collecting insurer shall be liable for and shall pay the tax on such premiums. [1986 c 296 § 1; 1983 2nd ex.s. c 3 § 7; 1982 2nd ex.s. c 10 § 1; 1982 1st ex.s. c 35 § 15; 1979 ex.s. c 233 § 2; 1969 ex.s. c 241 § 9; 1947 c 79 § .14.02; Rem. Supp. 1947 § 45.14.02.]

**Severability—1986 c 296:** "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." [1986 c 296 § 11.]

**Application—1986 c 296 § 1:** "[The 1986 c 296 amendment of] RCW 48.14.020 applies to the payment of taxes due beginning July 1, 1986, and thereafter." [1986 c 296 § 12.]

**Effective date—1986 c 296:** "Section 7 of 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. The remainder of this act shall take effect July 1, 1986." [1986 c 296 § 13.] "Section 7 of this act" is the enactment of RCW 48.02.190, which took effect April 4, 1986.

**Construction—Severability—Effective dates—1983 2nd ex.s. c 3:** See notes following RCW 82.04.255.

**Payment of additional premium tax—1982 2nd ex.s. c 10:** "The additional premium tax payments required by the amendment of RCW 48.14.020 by section 1 of this act shall be paid to the state treasurer through the insurance commissioner's office on March 1, 1983. Thereafter the prepayment schedule provided by RCW 48.14.025 shall apply." [1982 2nd ex.s. c 10 § 2.]

**Severability—Effective dates—1982 1st ex.s. c 35:** See notes following RCW 82.08.020.

**Effective date—1979 ex.s. c 233:** "This 1979 amendatory act shall become effective beginning upon and after January 1, 1980." [1979 ex.s. c 233 § 4.]

**Intent—1979 ex.s. c 233:** "It is the intent of the legislature to eliminate existing tax discrimination between qualified and nonqualified pension plans which are effectuated by annuity contracts, by excluding the consideration paid for such contracts from premiums subject to the premium tax." [1979 ex.s. c 233 § 1.]

**Severability—1979 ex.s. c 233:** "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." [1979 ex.s. c 233 § 3.]

*Credit against premium tax for assessments paid pursuant to RCW 48.32.060(1)(c): RCW 48.32.145.*

*Portion of state taxes on fire insurance premiums to be deposited in firemen's pension fund: RCW 41.16.050.*  
*volunteer firemen's relief and pension fund: RCW 41.24.030.*

**48.14.025 Prepayment of tax obligations under RCW 48.14.020.** (1) Every insurer with a tax obligation under RCW 48.14.020 shall make prepayment of the tax obligations under RCW 48.14.020 for the current calendar year's business, if the sum of the tax obligations under RCW 48.14.020 for the preceding calendar year's business is four hundred dollars or more.

(2) The commissioner shall credit the prepayment toward the appropriate tax obligations of the insurer for the current calendar year under RCW 48.14.020.

(3) The minimum amounts of the prepayments shall be percentages of the insurer's preceding calendar year's tax obligation recomputed using the rate in effect for the current year and shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

- (a) On or before June 15, forty-five percent;
- (b) On or before September 15, twenty-five percent; and
- (c) On or before December 15, twenty-five percent.

For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the insurer's prepayment obligations.

(4) The effect of transferring policies of insurance from one insurer to another insurer is to transfer the tax prepayment obligation with respect to the policies.

(5) On or before June 1 of each year, the commissioner shall notify each insurer required to make prepayments in that year of the amount of each prepayment and shall provide remittance forms to be used by the insurer. However, an insurer's responsibility to make prepayments is not affected by failure of the commissioner to send, or the insurer to receive, the notice or forms. [1986 c 296 § 2; 1982 c 181 § 4; 1981 c 6 § 1.]

**Severability—Effective date—1986 c 296:** See notes following RCW 48.14.020.

**Severability—1982 c 181:** See note following RCW 48.03.010.

## Chapter 48.17

### AGENTS, BROKERS, SOLICITORS, AND ADJUSTERS

#### Sections

- 48.17.590 Procedures for cancelling written agreements between companies and agents.
- 48.17.600 Separation of premium funds.

**48.17.590 Procedures for cancelling written agreements between companies and agents.** (1) If an insurer intends to cancel a written agreement with an agent, or intends to refuse any class of renewal business from the agent, the insurer shall give the agent not less than one hundred twenty days' advance written notice of such intent. Every insurer canceling a written agreement subject to this section shall permit, for not less than one year after having given notice of its intent to terminate the agency agreement, insureds to process their renewals through the agent, as long as he or she retains an agent's license for the kind of insurance involved, as to any of the policies which have not been replaced with other insurers as expirations occur. An agent with a canceled agreement subject to this section shall remain an agent of the canceling insurer as to actions associated with any such policies just as if he or she were appointed by such insurer as its agent. This subsection shall not apply to: (a) Agents or policies of a company or group of companies if the business is owned by the company or group of companies and the cancellation of any such contractual agreement does not result in the cancellation or nonrenewal of any policies of insurance; (b) life, disability, surety, ocean marine and foreign trade, and title insurance policies; or (c) agents whose licenses are then or become subject to an outstanding order of the commissioner issued pursuant to RCW 48.17.540.

(2) No insurer shall cancel or refuse to renew the policy of the insured because of the termination of the agent's contract.

(3) No insurer may cancel or amend a written agreement with an agent, or refuse to accept business from such agent, if the cancellation, amendment, or refusal is arbitrary, capricious, discriminatory under RCW 48.30.300, or based in whole or part upon the sex, race, creed, color, religion, national origin, or place of residency of the agent, his or her applicants, or policyholders.

(4) Any insurer or agent accepting brokerage business who rejects the business of a broker shall provide upon

request of the broker the reasons in writing for the rejection.

(5) No insurer may cancel its agreement with an appointed agent with respect to insurance or refuse to accept insurance business from such agent unless it complies with the provisions of this section. [1986 c 286 § 1.]

**48.17.600 Separation of premium funds.** (1) All funds representing premiums or return premiums received by an agent, solicitor or broker in his or her fiduciary capacity shall be accounted for and maintained in a separate account from all other business and personal funds.

(2) An agent, solicitor or broker shall not commingle or otherwise combine premiums with any other moneys, except as provided in subsection (3) of this section.

(3) An agent, solicitor or broker may commingle with premium funds any additional funds as he or she may deem prudent for the purpose of advancing premiums, establishing reserves for the paying of return premiums, or for any contingencies as may arise in his or her business of receiving and transmitting premium or return premium funds.

(4) Each willful violation of this section shall constitute a misdemeanor. [1986 c 69 § 1.]

**Effective date—1986 c 69:** "This act shall take effect on January 1, 1987." [1986 c 69 § 2.]

## Chapter 48.18

### THE INSURANCE CONTRACT

#### Sections

48.18.290	Cancellation by insurer.
48.18.2901	Renewal required—Exceptions.
48.18.296	Contracts to which RCW 48.18.291 through 48.18.297 inapplicable.

**48.18.290 Cancellation by insurer.** (1) Cancellation by the insurer of any policy which by its terms is cancellable at the option of the insurer, or of any binder based on such policy, may be effected as to any interest only upon compliance with either or both of the following:

(a) Written notice of such cancellation, accompanied by the actual reason therefor, must be actually delivered or mailed to the insured and to his or her representative in charge of the subject of the insurance not less than forty-five days prior to the effective date of the cancellation except for cancellation of insurance policies for nonpayment of premiums, which notice shall be not less than ten days prior to such date and except for cancellation of fire insurance policies under chapter 48.53 RCW, which notice shall not be less than five days prior to such date;

(b) Like notice of not less than forty-five days must also be so delivered or mailed to each mortgagee, pledgee, or other person shown by the policy to have an interest in any loss which may occur thereunder.

(2) The mailing of any such notice shall be effected by depositing it in a sealed envelope, directed to the addressee at his or her last address as known to the insurer or as shown by the insurer's records, with proper prepaid postage affixed, in a letter depository of the United States post office. The insurer shall retain in its records any such item so mailed, together with its envelope, which was returned by the post office upon failure to find, or deliver the mailing to, the addressee.

(3) The affidavit of the individual making or supervising such a mailing, shall constitute prima facie evidence of such facts of the mailing as are therein affirmed.

(4) The portion of any premium paid to the insurer on account of the policy, unearned because of the cancellation and in amount as computed on the pro rata basis, must be actually paid to the insured or other person entitled thereto as shown by the policy or by any endorsement thereon, or be mailed to the insured or such person as soon as possible, and no later than forty-five days after the date of notice of cancellation to the insured for homeowners', dwelling fire, and private passenger auto. Any such payment may be made by cash, or by check, bank draft, or money order.

(5) This section shall not apply to contracts of life or disability insurance without provision for cancellation prior to the date to which premiums have been paid, or to contracts of insurance procured under the provisions of chapter 48.15 RCW. [1986 c 287 § 1; 1985 c 264 § 17; 1982 c 110 § 7; 1980 c 102 § 7; 1979 ex.s. c 199 § 5; 1975-'76 2nd ex.s. c 119 § 2; 1947 c 79 § .18.29; Rem. Supp. 1947 § 45.18.29.]

**Application—1985 c 264 §§ 17-22:** "Sections 17 through 22 of this act apply to all new or renewal policies issued or renewed after May 10, 1985. Sections 17 through 22 of this act shall not apply to or affect the validity of any notice of cancellation mailed or delivered prior to May 10, 1985. Sections 17 through 22 of this act shall not be construed to affect cancellation of a renewal policy, if notice of cancellation is mailed or delivered within forty-five days after May 10, 1985. Sections 17 through 22 of this act shall not be construed to require notice, other than that already required, of intention not to renew any policy which expires less than forty-five days after May 10, 1985." [1985 c 264 § 24.]

**48.18.2901 Renewal required—Exceptions.** (1) Each insurer shall be required to renew any contract of insurance subject to RCW 48.18.290 unless one of the following situations exists:

(a) The insurer gives the named insured at least forty-five days' notice in writing as provided for in RCW 48.18.290, that it proposes to refuse to renew the insurance contract upon its expiration date; and sets forth therein the actual reason for refusing to renew; or

(b) At least twenty days prior to its expiration date, the insurer has communicated its willingness to renew in writing to the named insured, or to his or her representative, and has included therein a statement of the amount of the premium or portion thereof required to be paid by the insured to renew the policy, and the insured fails to discharge when due his obligation in connection with the payment of such premium or portion thereof; or

(c) The insured's agent or broker has procured other coverage acceptable to the insured prior to the expiration of the policy period.

(2) A renewal shall be based on rates and forms applicable to the expiring policy and its term, except to the extent the insurer gives at least twenty days' advance notice of changes in rates or contract provisions.

(3) Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal, or with respect to cancellation of fire policies under chapter 48.53 RCW.

(4) "Renewal" or "to renew" means the issuance and delivery by an insurer of a contract of insurance replacing at the end of the contract period a contract of insurance previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a contract beyond its policy period or term: *Provided, however*, That any contract of insurance with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of RCW 48.18.290 and 48.18.293 through 48.18.295 be considered as if written for a policy period or term of six months: *Provided, further*, That any policy written for a term longer than one year or any policy with no fixed expiration date, shall, for the purpose of RCW 48.18.290 and 48.18.293 through 48.18.295, be considered as if written for successive policy periods or terms of one year. [1986 c 287 § 2; 1985 c 264 § 20.]

**Application**—1985 c 264 §§ 17-22: See note following RCW 48.18.290.

**48.18.296 Contracts to which RCW 48.18.291 through 48.18.297 inapplicable.** The provisions of RCW 48.18.291 through 48.18.297 shall not apply to:

(1) Contracts of insurance issued under the assigned risk plan;

(2) Any policy covering garage, automobile sales agency, repair shop, service station, or public parking place operation hazards; and

(3) Contracts of insurance procured under the provisions of chapter 48.15 RCW. [1986 c 287 § 3; 1985 c 264 § 22; 1983 1st ex.s. c 32 § 6; 1969 ex.s. c 241 § 23.]

**Application**—1985 c 264 §§ 17-22: See note following RCW 48.18.290.

**Construction**—1969 ex.s. c 241: See note following RCW 48.18.291.

**Chapter 48.19  
RATES**

Sections	
48.19.450	Casualty rate filing—Credit.
48.19.460	Automobile insurance—Premium reductions for older insureds completing accident prevention course.
48.19.470	Automobile insurance—Premium reductions for persons eligible under RCW 48.19.460.
48.19.480	Automobile insurance—Completion of accident prevention course, certificate.
48.19.490	Automobile insurance—Continued eligibility for discount.

**48.19.450 Casualty rate filing—Credit.** The commissioner shall, in reviewing a casualty rate filing, determine in accordance with sound and reliable actuarial principles whether \*this act requires an insurer to grant its policyholders a credit in such casualty rate filing. Upon determining that data in support of such a credit is actuarially credible, the commissioner shall approve or disapprove such casualty rate filing in accordance therewith. The commissioner shall not approve any casualty rate that is inadequate, excessive, or unfairly discriminatory. [1986 c 305 § 907.]

**\*Reviser's note:** "This act" consists of the enactment of RCW 4.22.070, 4.24.005, 4.24.264, 4.24.268, 4.24.420, 4.56.250, 4.56.260, 5.40.050, 5.40.060, 7.70.090, 48.19.450, and 48.22.050, the amendments to RCW 4.16.160, 4.16.300, 4.16.310, 4.16.350, 4.22.030, 4.24.115, 5.60.060, and 51.24.060, and the repeal of RCW 4.56.240 by 1986 c 305.

**Preamble—Report to legislature—Applicability—Severability—1986 c 305:** See notes following RCW 4.16.160.

**48.19.460 Automobile insurance—Premium reductions for older insureds completing accident prevention course.** Any schedule of rates or rating plan for automobile liability and physical damage insurance submitted to or filed with the commissioner shall provide for an appropriate reduction in premium charges except for underinsured motorist coverage for those insureds who are fifty-five years of age and older, for a two-year period after successfully completing a motor vehicle accident prevention course meeting the criteria of the department of licensing with a minimum of eight hours, or additional hours as determined by rule of the department of licensing. This course may be conducted by a public or private agency approved by the department. [1986 c 235 § 1.]

**48.19.470 Automobile insurance—Premium reductions for persons eligible under RCW 48.19.460.** All insurance companies writing automobile liability and physical damage insurance in this state shall allow an appropriate reduction in premium charges except for underinsured motorist coverage to all eligible persons subject to RCW 48.19.460. [1986 c 235 § 2.]

**48.19.480 Automobile insurance—Completion of accident prevention course, certificate.** Upon successfully completing the approved course, each participant shall be issued by the course's sponsoring agency, a certificate that shall be the basis of qualification for the discount on insurance. [1986 c 235 § 3.]

**48.19.490 Automobile insurance—Continued eligibility for discount.** Each participant shall take an approved course every two years to continue to be eligible for the discount on insurance. [1986 c 235 § 4.]

**Chapter 48.20  
DISABILITY INSURANCE**

Sections	
48.20.500	Coverage for adopted children. (Effective January 1, 1987.)

**48.20.500 Coverage for adopted children.** (Effective January 1, 1987.) (1) Any disability insurance contract providing hospital and medical expenses and health care services, delivered or issued for delivery in this state, which provides coverage for dependent children, as defined in the contract of the insured, shall cover adoptive children placed with the insured on the same basis as other dependents, as provided in RCW 48.01.180.

(2) If payment of an additional premium is required to provide coverage for a child, the contract may require that notification of placement of a child for adoption and payment of the required premium must be furnished to the insurer. The notification period shall be no less than sixty days from the date of placement. [1986 c 140 § 2.]

**Effective date, application—Severability—1986 c 140:** See notes following RCW 48.01.180.

## Chapter 48.21

### GROUP AND BLANKET DISABILITY INSURANCE

#### Sections

- 48.21.240 Mental health treatment, optional supplemental coverage—Waiver. (Effective March 1, 1987.)  
48.21.280 Coverage for adopted children. (Effective January 1, 1987.)

#### **48.21.240 Mental health treatment, optional supplemental coverage—Waiver.** (Effective March 1, 1987.)

(1) Each group insurer providing disability insurance coverage in this state for hospital or medical care under contracts which are issued, delivered, or renewed in this state on or after July 1, 1986, shall offer optional supplemental coverage for mental health treatment for the insured and the insured's covered dependents.

(2) Benefits shall be provided under the optional supplemental coverage for mental health treatment whether treatment is rendered by: (a) A physician licensed under chapter 18.71 or 18.57 RCW; (b) a psychologist licensed under chapter 18.83 RCW; or (c) a community mental health agency licensed by the department of social and health services pursuant to chapter 71.24 RCW. The treatment shall be covered at the usual and customary rates for such treatment. The insurer, health care service contractor, or health maintenance organization providing optional coverage under the provisions of this section for mental health services may establish separate usual and customary rates for services rendered by physicians licensed under chapter 18.71 or 18.57 RCW, psychologists licensed under chapter 18.83 RCW, and community mental health centers licensed under chapter 71.24 RCW. However, the treatment may be subject to contract provisions with respect to reasonable deductible amounts or copayments. In order to qualify for coverage under this section, a licensed community mental health agency shall have in effect a plan for quality assurance and peer review, and the treatment shall be supervised by a physician licensed under chapter 18.71 or 18.57 RCW or by a psychologist licensed under chapter 18.83 RCW.

(3) The group disability insurance contract may provide that all the coverage for mental health treatment is waived for all covered members if the contract holder so states in advance in writing to the insurer.

(4) This section shall not apply to a group disability insurance contract that has been entered into in accordance with a collective bargaining agreement between management and labor representatives prior to March 1, 1987. [1986 c 184 § 2; 1983 c 35 § 1.]

**Legislative intent—1986 c 184:** "It is the intent of the legislature that all insurers, health care service contractors, and health maintenance organizations that provide health care coverage in the state shall offer the option of including mental health treatment in their health benefit plans. Further it is the intent of the legislature that all mental health care benefit plans shall provide reimbursement for mental health treatment by every type of provider listed as follows: Physicians licensed under chapter 18.71 or 18.57 RCW, psychologists licensed under chapter 18.83 RCW, and community mental health agencies licensed under chapter 71.24 RCW." [1986 c 184 § 1.]

**Effective date—1986 c 184:** "This act shall take effect March 1, 1987." [1986 c 184 § 5.]

**Severability—1986 c 184:** "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." [1986 c 184 § 6.]

**Effective date—1983 c 35:** "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, 1983." [1983 c 35 § 5.]

**Severability—1983 c 35:** "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." [1983 c 35 § 4.]

**48.21.280 Coverage for adopted children.** (Effective January 1, 1987.) (1) Any group disability insurance contract, except a blanket disability insurance contract, providing hospital and medical expenses and health care services, delivered or issued for delivery in this state, which provides coverage for dependent children, as defined in the contract of the insured, shall cover adoptive children placed with the insured on the same basis as other dependents, as provided in RCW 48.01.180.

(2) If payment of an additional premium is required to provide coverage for a child, the contract may require that notification of placement of a child for adoption and payment of the required premium must be furnished to the insurer. The notification period shall be no less than sixty days from the date of placement. [1986 c 140 § 3.]

**Effective date, application—Severability—1986 c 140:** See notes following RCW 48.01.180.

## Chapter 48.22

### CASUALTY INSURANCE

#### Sections

- 48.22.050 Market assistance plans.

**48.22.050 Market assistance plans.** The commissioner shall by regulation require insurers authorized to write casualty insurance in this state to form a market assistance plan to assist persons and other entities unable



to purchase casualty insurance in an adequate amount from either the admitted market or nonadmitted market.

For the purpose of this section, a market assistance plan means a voluntary mechanism by insurers writing casualty insurance in this state in either the admitted or nonadmitted market to provide casualty insurance for a class of insurance designated in writing to the plan by the commissioner.

The bylaws and method of operation of any market assistance plan shall be approved by the commissioner prior to its operation.

A market assistance plan shall have a minimum of twenty-five insurers willing to insure risks within the class designated by the commissioner. If twenty-five insurers do not voluntarily agree to participate, the commissioner may require casualty insurers to participate in a market assistance plan as a condition of continuing to do business in this state. The commissioner shall make such a requirement to fulfill the quota of at least twenty-five insurers. The commissioner shall make his or her designation on the basis of the insurer's premium volume of casualty insurance in this state. [1986 c 305 § 906.]

**Preamble—Report to legislature—Applicability—Severability—1986 c 305:** See notes following RCW 4.16.160.

## Chapter 48.44

### HEALTH CARE SERVICES

#### Sections

48.44.010	Definitions.
48.44.020	Agreement for services—Examination of contract forms by commissioner—Grounds for disapproval.
48.44.030	Underwriting of indemnity by insurance policy, bond, securities, or cash deposit.
48.44.080	Master lists of contractor's participants—Filing with commissioner—Notice of termination or participation.
48.44.145	Examination of contractors—Duties of contractor, powers of commissioner—Independent audit reports.
48.44.290	Services of registered nurses.
48.44.300	Podiatry—Benefits not to be denied.
48.44.310	Chiropractic care, coverage required, exceptions.
48.44.340	Mental health treatment, optional supplemental coverage—Waiver. (Effective March 1, 1987.)
48.44.350	Financial interests of health care service contractors, restricted—Exceptions, regulations.
48.44.390	Modification of basis of agreement, endorsement required.
48.44.400	Continuance provisions for former family members.
48.44.410	Nontermination for change in health of covered person.
48.44.420	Coverage for adopted children. (Effective January 1, 1987.)

**48.44.010 Definitions.** For the purposes of this chapter:

(1) "Health care services" means and includes medical, surgical, dental, chiropractic, hospital, optometric, podiatric, pharmaceutical, ambulance, custodial, mental health, and other therapeutic services.

(2) "Provider" means any person lawfully licensed or authorized by the state of Washington to render any health care services.

(3) "Health care service contractor" means any corporation, cooperative group, or association, which is

sponsored by or otherwise intimately connected with a provider or group of providers, who or which not otherwise being engaged in the insurance business, accepts prepayment for health care services from or for the benefit of persons or groups of persons as consideration for providing such persons with any health care services.

(4) "Participant" means a provider, who or which has contracted in writing with a health care service contractor to accept payment from and to look solely to such contractor according to the terms of the subscriber contract for any health care services rendered to a person who has previously paid, or on whose behalf prepayment has been made, to such contractor for such services. [1986 c 223 § 1. Prior: 1983 c 286 § 3; 1983 c 154 § 3; 1980 c 102 § 10; 1965 c 87 § 1; 1961 c 197 § 1; 1947 c 268 § 1; Rem. Supp. 1947 § 6131-10.]

**Severability—1983 c 286:** See note following RCW 48.44.309.

**Severability—1983 c 154:** See note following RCW 48.44.299.

#### **48.44.020 Agreement for services—Examination of contract forms by commissioner—Grounds for disapproval.**

(1) Any health care service contractor may enter into agreements with or for the benefit of persons or groups of persons which require prepayment for health care services by or for such persons in consideration of such health care service contractor providing one or more health care services to such persons and such activity shall not be subject to the laws relating to insurance if the health care services are rendered by the health care service contractor or by a participant.

(2) The commissioner may on examination, subject to the right of the health care service contractor to demand and receive a hearing under chapters 48.04 and 34.04 RCW, disapprove any contract form for any of the following grounds:

(a) If it contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract; or

(b) If it has any title, heading or other indication of its provisions which is misleading; or

(c) If purchase of health care services thereunder is being solicited by deceptive advertising; or

(d) If, the benefits provided therein are unreasonable in relation to the amount charged for the contract;

(e) If it contains unreasonable restrictions on the treatment of patients;

(f) If it violates any provision of this chapter;

(g) If it fails to conform to minimum provisions or standards required by regulation made by the commissioner pursuant to chapter 34.04 RCW;

(h) If any contract for health care services with any state agency, division, subdivision, board or commission or with any political subdivision, municipal corporation, or quasi-municipal corporation fails to comply with state law. [1986 c 223 § 2; 1985 c 283 § 1; 1983 c 286 § 4; 1973 1st ex.s. c 65 § 1; 1969 c 115 § 1; 1961 c 197 § 2; 1947 c 268 § 2; Rem. Supp. 1947 § 6131-11.]

**Severability—1983 c 286:** See note following RCW 48.44.309.

**48.44.030 Underwriting of indemnity by insurance policy, bond, securities, or cash deposit.** If any of the health care services which are promised in any such agreement are not to be performed by the health care service contractor, or by a participant, such activity shall not be subject to the laws relating to insurance, provided provision is made for reimbursement or indemnity of the persons who have previously paid, or on whose behalf prepayment has been made, for such services. Such reimbursement or indemnity shall either be underwritten by an insurance company authorized to write accident, health and disability insurance in the state or guaranteed by a surety company authorized to do business in this state, or guaranteed by a deposit of cash or securities eligible for investment by insurers pursuant to chapter 48-.13 RCW, with the insurance commissioner, as hereinafter provided. If the reimbursement or indemnity is underwritten by an insurance company, the contract or policy of insurance may designate the health care service contractor as the named insured, but shall be for the benefit of the persons who have previously paid, or on whose behalf prepayment has been made, for such health care services. If the reimbursement or indemnity is guaranteed by a surety company, the surety bond shall designate the state of Washington as the named obligee, but shall be for the benefit of the persons who have previously paid, or on whose behalf prepayment has been made, for such health care services, and shall be in such amount as the insurance commissioner shall direct, but in no event in a sum greater than the amount of one hundred fifty thousand dollars or the amount necessary to cover incurred but unpaid reimbursement or indemnity benefits as reported in the last annual statement filed with the insurance commissioner, and adjusted to reflect known or anticipated increases or decreases during the ensuing year, plus an amount of unearned prepayments applicable to reimbursement or indemnity benefits satisfactory to the insurance commissioner, whichever amount is greater. A copy of such insurance policy or surety bond, as the case may be, and any modification thereof, shall be filed with the insurance commissioner. If the reimbursement or indemnity is guaranteed by a deposit of cash or securities, such deposit shall be in such amount as the insurance commissioner shall direct, but in no event in a sum greater than the amount of one hundred fifty thousand dollars or the amount necessary to cover incurred but unpaid reimbursement or indemnity benefits as reported in the last annual statement filed with the insurance commissioner, and adjusted to reflect known or anticipated increases or decreases during the ensuing year, plus an amount of unearned prepayments applicable to reimbursement or indemnity benefits satisfactory to the insurance commissioner, whichever amount is greater. Such cash or security deposit shall be held in trust by the insurance commissioner and shall be for the benefit of the persons who have previously paid, or on whose behalf prepayment has been made, for such health care services. [1986 c 223 § 3; 1981 c 339 § 22; 1969 c 115 § 2; 1961 c 197 § 3; 1947 c 268 § 3; Rem. Supp. 1947 § 6131-12.]

**48.44.080 Master lists of contractor's participants—Filing with commissioner—Notice of termination or participation.** Every health care service contractor shall file with its annual statement with the insurance commissioner a master list of the participants with whom or with which such health care service contractor has executed contracts of participation, certifying that each such participant has executed such contract of participation. The health care service contractor shall on the first day of each month notify the insurance commissioner in writing in case of the termination of any such contract, and of any participant who has entered into a participating contract during the preceding month. [1986 c 223 § 4; 1965 c 87 § 3; 1961 c 197 § 5.]

**48.44.145 Examination of contractors—Duties of contractor, powers of commissioner—Independent audit reports.** (1) The commissioner may make an examination of the operations of any health care service contractor as often as he deems necessary in order to carry out the purposes of this chapter.

(2) Every health care service contractor shall submit its books and records relating to its operation for financial condition and market conduct examinations and in every way facilitate them. For the purpose of examinations, the commissioner may issue subpoenas, administer oaths, and examine the officers and principals of the health care service contractor.

(3) The commissioner may elect to accept and rely on audit reports made by an independent certified public accountant for the health care service contractor in the course of that part of the commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his report of the examination.

(4) Whenever any health care service contractor applies for initial admission, the commissioner may make, or cause to be made, an examination of the applicant's business and affairs. Whenever such an examination is made, all of the provisions of chapter 48.03 RCW not inconsistent with this chapter shall be applicable. In lieu of making an examination himself the commissioner may, in the case of a foreign health care service contractor, accept an examination report of the applicant by the regulatory official in its state of domicile. [1986 c 296 § 8; 1983 c 63 § 1; 1969 c 115 § 12.]

**Reviser's note:** The term "this 1969 amendatory act" was changed to "this chapter." See note following RCW 48.44.160.

**Severability—Effective date—1986 c 296:** See notes following RCW 48.14.020.

**48.44.290 Services of registered nurses.** Notwithstanding any provision of this chapter, for any health care service contract thereunder which is entered into or renewed after July 26, 1981, benefits shall not be denied under such contract for any health care service performed by a holder of a license issued pursuant to chapter 18.88 RCW if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant

to chapter 18.71 RCW: *Provided, however,* That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section.

The provisions of this section are intended to be remedial and procedural to the extent that they do not impair the obligation of any existing contract. [1986 c 223 § 6; 1981 c 175 § 1.]

**48.44.300 Podiatry—Benefits not to be denied.** Benefits shall not be denied under a contract for any health care service performed by a holder of a license issued under chapter 18.22 RCW if (1) the service performed was within the lawful scope of the person's license, and (2) the contract would have provided benefits if the service had been performed by a holder of a license issued under chapter 18.71 RCW. There shall not be imposed upon one class of doctors providing health care services as defined by this chapter any requirement that is not imposed upon all other doctors providing the same or similar health care services within the scope of their license.

The provisions of this section are intended to be procedural to the extent that they do not impair the obligation of any existing contract. [1986 c 223 § 7; 1983 c 154 § 2.]

**Severability—1983 c 154:** See note following RCW 48.44.299.

**48.44.310 Chiropractic care, coverage required, exceptions.** (1) Each group contract for comprehensive health care service which is entered into, or renewed, on or after September 8, 1983, between a health care service contractor and the person or persons to receive such care shall offer coverage for chiropractic care on the same basis as any other care.

(2) A patient of a chiropractor shall not be denied benefits under a contract because the practitioner is not licensed under chapter 18.57 or 18.71 RCW.

(3) This section shall not apply to a group contract for comprehensive health care services entered into in accordance with a collective bargaining agreement between management and labor representatives. Benefits for chiropractic care shall be offered by the employer in good faith on the same basis as any other care as a subject for collective bargaining for group contracts for health care services. [1986 c 223 § 8; 1983 c 286 § 2.]

**Severability—1983 c 286:** See note following RCW 48.44.309.

**48.44.340 Mental health treatment, optional supplemental coverage—Waiver. (Effective March 1, 1987.)**

(1) Each health care service contractor providing hospital or medical services or benefits in this state under group contracts for health care services under this chapter which are issued, delivered, or renewed in this state on or after July 1, 1986, shall offer optional supplemental coverage for mental health treatment for the insured and the insured's covered dependents.

(2) Benefits shall be provided under the optional supplemental coverage for mental health treatment whether treatment is rendered by: (a) A physician licensed under chapter 18.71 or 18.57 RCW; (b) a psychologist licensed under chapter 18.83 RCW; or (c) a community mental

health agency licensed by the department of social and health services pursuant to chapter 71.24 RCW. The treatment shall be covered at the usual and customary rates for such treatment. The insurer, health care service contractor, or health maintenance organization providing optional coverage under the provisions of this section for mental health services may establish separate usual and customary rates for services rendered by physicians licensed under chapter 18.71 or 18.57 RCW, psychologists licensed under chapter 18.83 RCW, and community mental health centers licensed under chapter 71.24 RCW. However, the treatment may be subject to contract provisions with respect to reasonable deductible amounts or copayments. In order to qualify for coverage under this section, a licensed community mental health agency shall have in effect a plan for quality assurance and peer review, and the treatment shall be supervised by a physician licensed under chapter 18.71 or 18.57 RCW or by a psychologist licensed under chapter 18.83 RCW.

(3) The group contract for health care services may provide that all the coverage for mental health treatment is waived for all covered members if the contract holder so states in advance in writing to the health care service contractor.

(4) This section shall not apply to a group health care service contract that has been entered into in accordance with a collective bargaining agreement between management and labor representatives prior to March 1, 1987. [1986 c 184 § 3; 1983 c 35 § 2.]

**Legislative intent—Effective date—Severability—1986 c 184:** See notes following RCW 48.21.240.

**Effective date—Severability—1983 c 35:** See notes following RCW 48.21.240.

**48.44.350 Financial interests of health care service contractors, restricted—Exceptions, regulations.** (1) No person having any authority in the investment or disposition of the funds of a health care service contractor and no officer or director of a health care service contractor shall accept, except for the health care service contractor, or be the beneficiary of any fee, brokerage, gift, commission, or other emolument because of any sale of health care service agreements or any investment, loan, deposit, purchase, sale, payment, or exchange made by or for the health care service contractor, or be pecuniarily interested therein in any capacity; except, that such a person may procure a loan from the health care service contractor directly upon approval by two-thirds of its directors and upon the pledge of securities eligible for the investment of the health care service contractor's funds under this title.

(2) The commissioner may, by regulations, from time to time, define and permit additional exceptions to the prohibition contained in subsection (1) of this section solely to enable payment of reasonable compensation to a director who is not otherwise an officer or employee of the health care service contractor, or to a corporation or firm in which the director is interested, for necessary services performed or sales or purchases made to or for the health care service contractor in the ordinary course

of the health care service contractor's business and in the usual private professional or business capacity of the director or the corporation or firm. [1986 c 223 § 9; 1983 c 202 § 6.]

**48.44.390 Modification of basis of agreement, endorsement required.** If an individual health care service agreement is issued on any basis other than as applied for, an endorsement setting forth such modification must accompany and be attached to the agreement. No agreement shall be effective unless the endorsement is signed by the applicant, and a signed copy thereof returned to the health care service contractor. [1986 c 223 § 10.]

**48.44.400 Continuance provisions for former family members.** After July 1, 1986, or on the next renewal date of the agreement, whichever is later, every health care service agreement issued, amended, or renewed for an individual and his or her dependents shall contain provisions to assure that the covered spouse and/or dependents, in the event that any cease to be a qualified family member by reason of termination of marriage or death of the principal enrollee, shall have the right to continue the health care service agreement without a physical examination, statement of health, or other proof of insurability. [1986 c 223 § 11.]

**48.44.410 Nontermination for change in health of covered person.** No health care service contractor shall terminate any person covered under a health care service contract because of a change in the physical or mental condition or health of such person: *Provided*, That, after approval of the insurance commissioner, a health care service contractor may discharge its obligation to continue coverage for such person by obtaining coverage with another health care service contractor, or with an insurer which is comparable in terms of premiums and benefits. [1986 c 223 § 12.]

**48.44.420 Coverage for adopted children.** (Effective January 1, 1987.) (1) Any health care service contract under this chapter delivered or issued for delivery in this state, which provides coverage for dependent children, as defined in the contract of the subscriber, shall cover adoptive children placed with the subscriber on the same basis as other dependents, as provided in RCW 48.01.180.

(2) If payment of an additional premium is required to provide coverage for a child, the contract may require that notification of placement of a child for adoption and payment of the required premium must be furnished to the health care services contractor. The notification period shall be no less than sixty days from the date of placement. [1986 c 140 § 4.]

**Effective date, application—Severability—1986 c 140:** See notes following RCW 48.01.180.

## Chapter 48.46

### HEALTH MAINTENANCE ORGANIZATIONS

#### Sections

- 48.46.120 Examination of health maintenance organizations—Duties of organizations, powers of commissioner—Independent audit reports—Assessment of organizations for costs, conditions.
- 48.46.290 Mental health treatment, optional supplemental coverage—Waiver. (Effective March 1, 1987.)
- 48.46.490 Coverage for adopted children. (Effective January 1, 1987.)

**48.46.120 Examination of health maintenance organizations—Duties of organizations, powers of commissioner—Independent audit reports—Assessment of organizations for costs, conditions.** (1) The commissioner may make an examination of the operations of any health maintenance organization as often as he deems necessary in order to carry out the purposes of this chapter.

(2) Every health maintenance organization shall submit its books and records relating its operation for financial condition and market conduct examinations and in every way facilitate them. The quality or appropriateness of medical services or systems shall not be examined except to the extent that such items are incidental to an examination of the financial condition or the market conduct of a health maintenance organization. For the purpose of examinations, the commissioner may issue subpoenas, administer oaths, and examine the officers and principals of the health maintenance organization and the principals of such providers concerning their business.

(3) The commissioner may elect to accept and rely on audit reports made by an independent certified public accountant in the health maintenance organization in the course of that part of the commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his report of the examination.

(4) Health maintenance organizations licensed in the state shall be equitably assessed to cover the cost of financial condition and market conduct examinations, the costs of promulgating rules, and the costs of enforcing the provisions of this chapter. The assessments shall be levied not less frequently than once every twelve months and shall be in an amount expected to fund the examinations, promulgation of rules, and enforcement of the provisions of this chapter, including a reasonable margin for cost variations. The assessments shall be established by rules promulgated by the commissioner but shall not exceed five and one-half cents per month per person entitled to health care services pursuant to a health maintenance agreement, excluding such persons who are not residents of this state. Assessment receipts shall be deposited in the general fund, shall be accounted for separately, and shall be used for the sole purpose of funding the examinations authorized in subsection (1) of this section, the costs of promulgating rules, and the costs of

enforcing the provisions of this chapter. Amounts remaining in the separate account at the end of a biennium shall be applied to reduce the assessments in the succeeding biennium. [1986 c 296 § 9; 1985 c 7 § 115; 1983 c 63 § 2; 1975 1st ex.s. c 290 § 13.]

**Severability—Effective date—1986 c 296:** See notes following RCW 48.14.020.

**48.46.290 Mental health treatment, optional supplemental coverage—Waiver. (Effective March 1, 1987.)**

(1) Each health maintenance organization providing services or benefits for hospital or medical care coverage in this state under group health maintenance agreements which are issued, delivered, or renewed in this state on or after July 1, 1986, shall offer optional supplemental coverage for mental health treatment to the enrolled participant and the enrolled participant's covered dependents.

(2) Benefits shall be provided under the optional supplemental coverage for mental health treatment whether treatment is rendered by the health maintenance organization or the health maintenance organization refers the enrolled participant or the enrolled participant's covered dependents for treatment to: (a) A physician licensed under chapter 18.71 or 18.57 RCW; (b) a psychologist licensed under chapter 18.83 RCW; or (c) a community mental health agency licensed by the department of social and health services pursuant to chapter 71.24 RCW. The treatment shall be covered at the usual and customary rates for such treatment. The insurer, health care service contractor, or health maintenance organization providing optional coverage under the provisions of this section for mental health services may establish separate usual and customary rates for services rendered by physicians licensed under chapter 18.71 or 18.57 RCW, psychologists licensed under chapter 18.83 RCW, and community mental health centers licensed under chapter 71.24 RCW. However, the treatment may be subject to contract provisions with respect to reasonable deductible amounts or copayments. In order to qualify for coverage under this section, a licensed community mental health agency shall have in effect a plan for quality assurance and peer review, and the treatment shall be supervised by a physician licensed under chapter 18.71 or 18.57 RCW or by a psychologist licensed under chapter 18.83 RCW.

(3) The group health maintenance agreement may provide that all the coverage for mental health treatment is waived for all covered members if the contract holder so states in advance in writing to the health maintenance organization.

(4) This section shall not apply to a group health maintenance agreement that has been entered into in accordance with a collective bargaining agreement between management and labor representatives prior to March 1, 1987. [1986 c 184 § 4; 1983 c 35 § 3.]

**Legislative intent—Effective date—Severability—1986 c 184:** See notes following RCW 48.21.240.

**Effective date—Severability—1983 c 35:** See notes following RCW 48.21.240.

**48.46.490 Coverage for adopted children. (Effective January 1, 1987.)** (1) Any health maintenance agreement under this chapter which provides coverage for dependent children, as defined in the agreement of the enrolled participant, shall cover adoptive children placed with the enrolled participant on the same basis as other dependents, as provided in RCW 48.01.180.

(2) If payment of an additional premium is required to provide coverage for a child, the agreement may require that notification of placement of a child for adoption and payment of the required premium must be furnished to the health maintenance organization. The notification period shall be no less than sixty days from the date of placement. [1986 c 140 § 5.]

**Effective date, application—Severability—1986 c 140:** See notes following RCW 48.01.180.

## Chapter 48.48

### STATE FIRE PROTECTION

(Formerly: State fire marshal)

#### Sections

48.48.001	through 48.48.028 Repealed.
48.48.030	Examination of premises.
48.48.040	Standards of safety.
48.48.045	Schools—Construction standards for fire prevention and safety—Plan reviews and construction inspections.
48.48.050	Removal of fire hazards.
48.48.060	Reports and investigation of fires—Police powers.
48.48.065	Statistical information and reports.
48.48.070	Examination of witnesses.
48.48.080	Criminal prosecutions.
48.48.090	Record of fires.
48.48.110	Annual report.
48.48.140	Smoke detection devices in dwelling units—Penalty.
48.48.150	Premises with guard animals—Registration, posting—Acts permitted fire fighters—Liability for injury to fire fighters.

*Director of fire protection, state fire protection policy board:* RCW 43.63A.310, 43.63A.340.

**48.48.001 through 48.48.028 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**48.48.030 Examination of premises.** (1) The director of community development, through the director of fire protection or his or her authorized deputy, shall have authority at all times of day and night, in the performance of duties imposed by this chapter, to enter upon and examine any building or premises where any fire has occurred and other buildings and premises adjoining or near thereto.

(2) The director of community development, through the director of fire protection or his or her authorized deputy, shall have authority at any reasonable hour to enter into any public building or premises or any building or premises used for public purposes to inspect for fire hazards. [1986 c 266 § 67; 1985 c 470 § 17; 1947 c 79 § .33.03; Rem. Supp. 1947 § 45.33.03.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**Severability—1985 c 470:** "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." [1985 c 470 § 38.]

**Effective date**—1985 c 470: "This act shall take effect on January 1, 1986." [1985 c 470 § 40.]

**48.48.040 Standards of safety.** (1) The director of community development, through the director of fire protection or his or her authorized deputy, shall have authority to enter upon all premises and into all buildings except private dwellings for the purpose of inspection to ascertain if any fire hazard exists, and to require conformance with minimum standards for the prevention of fire and for the protection of life and property against fire and panic as to use of premises, and may adopt by reference nationally recognized standards applicable to local conditions.

(2) The director of community development, through the director of fire protection or his or her authorized deputy, may, upon request by the chief fire official or the local governing body or of taxpayers of such area, assist in the enforcement of any such code. [1986 c 266 § 68; 1985 c 470 § 18; 1947 c 79 § .33.04; Rem. Supp. 1947 § 45.33.04.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Severability**—**Effective date**—1985 c 470: See notes following RCW 48.48.030.

**48.48.045 Schools—Construction standards for fire prevention and safety—Plan reviews and construction inspections.** Standards for construction relative to fire prevention and safety for all schools under the jurisdiction of the superintendent of public instruction and state board of education shall be established by the state fire protection board. The director of community development, through the director of fire protection, shall adopt such nationally recognized fire and building codes and standards as may be applicable to local conditions. After the approval of such standards by the superintendent of public instruction and the state board of education, the director of community development, through the director of fire protection, shall make or cause to be made plan reviews and construction inspections as may be necessary to insure compliance with said codes and standards.

Political subdivisions of the state having and enforcing such fire and building codes and standards at least equal to or higher than those adopted as provided for in this section shall be exempted from the plan review and construction inspection provisions of this section within their respective subdivision for as long as such codes and standards are enforced. [1986 c 266 § 69; 1985 c 470 § 19; 1981 c 198 § 3; 1972 ex.s. c 70 § 1.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Severability**—**Effective date**—1985 c 470: See notes following RCW 48.48.030.

**48.48.050 Removal of fire hazards.** (1) If the director of community development, through the director of fire protection or his or her authorized deputy, finds in any building or premises subject to their inspection under this chapter, any combustible material or flammable conditions or fire hazards dangerous to the safety of the

building, premises, or to the public, he or she shall by written order require such condition to be remedied, and such order shall forthwith be complied with by the owner or occupant of the building or premises.

(2) An owner or occupant aggrieved by any such order made by the director of community development, through the director of fire protection or his or her deputy, may appeal such order pursuant to chapter 34.04 RCW. If the order is confirmed, the order shall remain in force and be complied with by the owner or occupant.

(3) Any owner or occupant failing to comply with any such order not appealed from or with any order so confirmed shall be punishable by a fine of not less than ten dollars nor more than fifty dollars for each day such failure exists. [1986 c 266 § 70; 1985 c 470 § 20; 1947 c 79 § .33.05; Rem. Supp. 1947 § 45.33.05.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Severability**—**Effective date**—1985 c 470: See notes following RCW 48.48.030.

**48.48.060 Reports and investigation of fires—Police powers.** (1) The chief of each organized fire department, the sheriff or other designated county official, and the designated city or town official shall investigate the cause, origin, and extent of loss of all fires occurring within their respective jurisdictions, as determined by this subsection, and shall forthwith notify the director of community development, through the director of fire protection, of all fires of criminal, suspected, or undetermined cause occurring within their respective jurisdictions. The county fire marshal shall also be notified of and investigate all such fires occurring in unincorporated areas of the county. Fire departments shall have the responsibility imposed by this subsection for areas within their jurisdictions. Sheriffs or other designated county officials shall have responsibility imposed by this subsection for county areas not within the jurisdiction of a fire department, unless such areas are within the boundaries of a city or town, in which case the designated city or town official shall have the responsibility imposed by this subsection. For the purposes of this subsection, county officials shall be designated by the county legislative authority, and city or town officials shall be designated by the appropriate city or town legislative or executive authority. In addition to the responsibility imposed by this subsection, any sheriff or chief of police may assist in the investigation of the cause, origin, and extent of loss of all fires occurring within his or her respective jurisdiction.

(2) The director of community development, through the director of fire protection or his or her deputy, may investigate any fire for the purpose of determining its cause, origin, and the extent of the loss. The director of community development, through the director of fire protection or his or her deputy, shall assist in the investigation of those fires of criminal, suspected, or undetermined cause when requested by the reporting agency. In the investigation of any fire of criminal, suspected, or undetermined cause, the director of community development and the director of fire protection or his or her deputy, are vested with police powers to enforce the laws

of this state. To exercise these powers, authorized deputies must receive prior written authorization from the director of community development, through the director of fire protection, and shall have completed a course of training prescribed by the Washington state criminal justice training commission. [1986 c 266 § 71; 1985 c 470 § 21; 1981 c 104 § 1; 1980 c 181 § 1; 1947 c 79 § .33.06; Rem. Supp. 1947 § 45.33.06.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Severability**—**Effective date**—1985 c 470: See notes following RCW 48.48.030.

#### 48.48.065 Statistical information and reports. (1)

The chief of each organized fire department, or the sheriff or other designated county official having jurisdiction over areas not within the jurisdiction of any fire department, shall report statistical information and data to the director of community development, through the director of fire protection, on each fire occurring within the official's jurisdiction. Reports shall be consistent with the national fire incident reporting system developed by the United States fire administration and rules established by the director of community development, through the director of fire protection. The director of community development, through the director of fire protection, and the department of natural resources shall jointly determine the statistical information to be reported on fires on land under the jurisdiction of the department of natural resources.

(2) The director of community development, through the director of fire protection, shall analyze the information and data reported, compile a report, and distribute a copy annually by January 31 to each chief fire official in the state. Upon request, the director of community development, through the director of fire protection, shall also furnish a copy of the report to any other interested person at cost. [1986 c 266 § 72; 1985 c 470 § 22; 1980 c 181 § 2.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Severability**—**Effective date**—1985 c 470: See notes following RCW 48.48.030.

**48.48.070 Examination of witnesses.** In the conduct of any investigation into the cause, origin, or loss resulting from any fire, the director of community development and the director of fire protection shall have the same power and rights relative to securing the attendance of witnesses and the taking of testimony under oath as is conferred upon the insurance commissioner under RCW 48.03.070. False swearing by any such witness shall be deemed to be perjury and shall be subject to punishment as such. [1986 c 266 § 73; 1985 c 470 § 23; 1947 c 79 § .33.07; Rem. Supp. 1947 § 45.33.07.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Severability**—**Effective date**—1985 c 470: See notes following RCW 48.48.030.

**48.48.080 Criminal prosecutions.** If as the result of any such investigation, or because of any information received, the director of community development,

through the director of fire protection, is of the opinion that there is evidence sufficient to charge any person with any crime, he or she may cause such person to be arrested and charged with such offense, and shall furnish to the prosecuting attorney of the county in which the offense was committed, the names of witnesses and all pertinent and material evidence and testimony within his or her possession relative to the offense. [1986 c 266 § 74; 1985 c 470 § 24; 1947 c 79 § .33.08; Rem. Supp. 1947 § 45.33.08.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Severability**—**Effective date**—1985 c 470: See notes following RCW 48.48.030.

**48.48.090 Record of fires.** The director of community development, through the director of fire protection, shall keep on file all reports of fires made to him or her pursuant to this code. Such records shall at all times during business hours be open to public inspection; except, that any testimony taken in a fire investigation may, in the discretion of the director of community development, through the director of fire protection, be withheld from public scrutiny. The director of community development, through the director of fire protection, may destroy any such report after five years from its date. [1986 c 266 § 75; 1985 c 470 § 25; 1947 c 79 § .33.09; Rem. Supp. 1947 § 45.33.09.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Severability**—**Effective date**—1985 c 470: See notes following RCW 48.48.030.

**48.48.110 Annual report.** The director of community development, through the director of fire protection, shall submit annually a report to the governor of this state. The report shall contain a statement of his or her official acts pursuant to this chapter. [1986 c 266 § 76; 1985 c 470 § 26; 1977 c 75 § 71; 1947 c 79 § .33.11; Rem. Supp. 1947 § 45.33.11.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Severability**—**Effective date**—1985 c 470: See notes following RCW 48.48.030.

**48.48.140 Smoke detection devices in dwelling units—Penalty.** (1) Smoke detection devices shall be installed inside all dwelling units:

(a) Occupied by persons other than the owner on and after December 31, 1981; or

(b) Built or manufactured in this state after December 31, 1980.

(2) The smoke detection devices shall be designed, manufactured, and installed inside dwelling units in conformance with:

(a) Nationally accepted standards; and

(b) As provided by the administrative procedure act, chapter 34.04 RCW, rules and regulations promulgated by the director of community development, through the director of fire protection.

(3) Installation of smoke detection devices shall be the responsibility of the owner. Maintenance of smoke detection devices shall be the responsibility of the tenant,

who shall maintain the device as specified by the manufacturer. At the time of a vacancy, the owner shall insure that the smoke detection device is operational prior to the reoccupancy of the dwelling unit.

(4) Any owner or tenant failing to comply with this section shall be punished by a fine of not more than fifty dollars.

(5) For the purposes of this section:

(a) "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation; and

(b) "Smoke detection device" means an assembly incorporating in one unit a device which detects visible or invisible particles of combustion, the control equipment, and the alarm-sounding device, operated from a power supply either in the unit or obtained at the point of installation. [1986 c 266 § 89; 1980 c 50 § 1.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**48.48.150 Premises with guard animals—Registration, posting—Acts permitted fire fighters—Liability for injury to fire fighters.** (1) All premises guarded by guard animals, which are animals professionally trained to defend and protect premises or the occupants of the premises, shall be registered with the local fire department. Front entrances to residences and all entrances to business premises shall be posted in a visible location with signs approved by the director of community development, through the director of fire protection, indicating that guard animals are present.

(2) A fire fighter, who reasonably believes that his or her safety is endangered by the presence of a guard animal, may without liability: (a) Refuse to enter the premises, or (b) take any reasonable action necessary to protect himself or herself from attack by the guard animal.

(3) If the person responsible for the guard animal being on the premises does not comply with subsection (1) of this section, that person may be held liable for any injury to the fire fighter caused by the presence of the guard animal. [1986 c 266 § 90; 1983 c 258 § 1.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

### Chapter 48.50

#### ARSON REPORTING IMMUNITY ACT

##### Sections

48.50.020 Definitions.  
48.50.040 Notification by insurer.

**48.50.020 Definitions.** As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Authorized agency" means a public agency or its official representative having legal authority to investigate the cause of a fire and to initiate criminal proceedings or further investigations if the cause was not accidental, including the following persons and agencies:

(a) The director of community development and the director of fire protection;

(b) The prosecuting attorney of the county where the fire occurred;

(c) The state attorney general, when engaged in a prosecution which is or may be connected with the fire;

(d) The Federal Bureau of Investigation, or any other federal agency; and

(e) The United States attorney's office when authorized or charged with investigation or prosecution concerning the fire.

(2) "Insurer" means any insurer, as defined in RCW 48.01.050, which insures against loss by fire, and includes insurers under the Washington F.A.I.R. plan.

(3) "Relevant information" means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of the cause of any fire more probable or less probable than it would be without the information. [1986 c 266 § 77; 1985 c 470 § 27; 1979 ex.s. c 80 § 2.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**Severability**—Effective date—1985 c 470: See notes following RCW 48.48.030.

**48.50.040 Notification by insurer.** (1) When an insurer has reason to believe that a fire loss reported to the insurer may be of other than accidental cause, the insurer shall notify the director of community development, through the director of fire protection, in the manner prescribed under RCW 48.05.320 concerning the circumstances of the fire loss, including any and all relevant material developed from the insurer's inquiry into the fire loss.

(2) Notification of the director of community development, through the director of fire protection, under subsection (1) of this section does not relieve the insurer of the duty to respond to a request for information from any other authorized agency. [1986 c 266 § 91; 1979 ex.s. c 80 § 4.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

### Chapter 48.53

#### FIRE INSURANCE—ARSON FRAUD REDUCTION

##### Sections

48.53.020 Designation of high arson incidence areas and classes of occupancy—Anti-arson application, contents.  
48.53.060 Adoption of rules.

**48.53.020 Designation of high arson incidence areas and classes of occupancy—Anti-arson application, contents.** (1) The director of community development, through the director of fire protection, may designate certain classes of occupancy within a geographic area or may designate geographic areas as having an abnormally high incidence of arson. This designation shall not be a valid reason for cancellation, refusal to issue or renew, modification, or increasing the premium for any fire insurance policy.



(2) A fire insurance policy may not be issued to insure any property within a class of occupancy within a geographic area or within a geographic area designated by the director of community development, through the director of fire protection, as having an abnormally high incidence of arson until the applicant has submitted an anti-arson application and the insurer or the insurer's representative has inspected the property. The application shall be prescribed by the director of community development, through the director of fire protection, and shall contain but not be limited to the following:

(a) The name and address of the prospective insured and any mortgagees or other parties having an ownership interest in the property to be insured;

(b) The amount of insurance requested and the method of valuation used to establish the amount of insurance;

(c) The dates and selling prices of the property, if any, during the previous three years;

(d) Fire losses exceeding one thousand dollars during the previous five years for property in which the prospective insured held an equity interest or mortgage;

(e) Current corrective orders pertaining to fire, safety, health, building, or construction codes that have not been complied with within the time period or any extension of such time period authorized by the authority issuing such corrective order applicable to the property to be insured;

(f) Present or anticipated occupancy of the structure, and whether a certificate of occupancy has been issued;

(g) Signature and title, if any, of the person submitting the application.

(3) If the facts required to be reported by subsection (2) of this section materially change, the insured shall notify the insurer of any such change within fourteen days.

(4) An anti-arson application is not required for: (a) Fire insurance policies covering one to four-unit owner-occupied residential dwellings; (b) policies existing as of June 10, 1982; or (c) the renewal of these policies.

(5) An anti-arson application shall contain a notice stating: "Designation of a class of occupancy within a geographic area or geographic areas as having an abnormally high incidence of arson shall not be a valid reason for cancellation, refusal to issue or renew, modification, or increasing the premium for any fire insurance policy." [1986 c 266 § 92; 1982 c 110 § 2.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**48.53.060 Adoption of rules.** Rules designating geographic areas or classes of occupancy as having an abnormally high incidence of arson, and any other rules necessary to implement this chapter shall be adopted by the director of community development, through the director of fire protection, under chapter 34.04 RCW. [1986 c 266 § 93; 1982 c 110 § 6.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**Chapter 48.62  
LOCAL GOVERNMENT INSURANCE  
TRANSACTIONS**

Sections

48.62.040 Joint action by local governmental entities.

**48.62.040 Joint action by local governmental entities.**

(1) Except as provided in subsection (2) of this section, the governing body of any one or more local governmental entities may, as an alternative or in addition to exercising any one or more of the powers granted in RCW 48.62.030 and 36.16.138, as now or hereafter amended, or any other provision of law, form together into or join a pool or organization for the joint purchasing of insurance, and/or joint self-insuring, and/or joint hiring or contracting for risk management services to the same extent that they may individually purchase insurance, self-insure, or hire or contract for risk management services.

(2)(a) No organization of local governmental entities, other than local school districts and educational service districts, that is organized under this section for the purpose of self-insuring shall provide any self-insurance other than liability and property insurance. For purposes of this section, liability insurance shall include but not be limited to coverage for claims arising from the tortious or negligent conduct of the local government entity, its officers, employees, or agents thereof, or any error or omission on the part of said local government entity, its officers, employees or agents thereof as a result of which a claim may be made against the local government entity.

(b) Local school districts and educational service districts may not organize under this section for the purpose of providing joint self-insured life, health, health care, accident, disability and salary protection or insurance, or any combination thereof, to the district employees, students, directors, or any of their dependents.

(3) The agreement to form such a pooling arrangement shall be made under chapter 39.34 RCW. Any pool or organization authorized to be formed by this section shall be subject to audit by the state auditor. [1986 c 302 § 1; 1985 c 278 § 1; 1979 ex.s. c 256 § 4.]

**Chapter 48.80  
HEALTH CARE FALSE CLAIM ACT**

Sections

48.80.010 Legislative finding—Short title.  
48.80.020 Definitions.  
48.80.030 Making false claims, concealing information—Penalty—Exclusions.  
48.80.040 Use of circumstantial evidence.  
48.80.050 Civil action not limited.  
48.80.060 Conviction of provider, notification to regulatory agency.  
48.80.900 Severability—1986 c 243.

**48.80.010 Legislative finding—Short title.** The legislature finds and declares that the welfare of the citizens of this state is threatened by the spiraling increases

in the cost of health care. It is further recognized that fraudulent health care claims contribute to these increases in health care costs. In recognition of these findings, it is declared that special attention must be directed at eliminating the unjustifiable costs of fraudulent health care claims by establishing specific penalties and deterrents. This chapter may be known and cited as "the health care false claim act." [1986 c 243 § 1.]

**48.80.020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Claim" means any attempt to cause a health care payer to make a health care payment.

(2) "Deceptive" means presenting a claim to a health care payer that contains a statement of fact or fails to reveal a material fact, leading the health care payer to believe that the represented or suggested state of affairs is other than it actually is. For the purposes of this chapter, the determination of what constitutes a material fact is a question of law to be resolved by the court.

(3) "False" means wholly or partially untrue or deceptive.

(4) "Health care payment" means a payment for health care services or the right under a contract, certificate, or policy of insurance to have a payment made by a health care payer for a specified health care service.

(5) "Health care payer" means any insurance company authorized to provide health insurance in this state, any health care service contractor authorized under chapter 48.44 RCW, any health maintenance organization authorized under chapter 48.46 RCW, any legal entity which is self-insured and providing health care benefits to its employees, or any person responsible for paying for health care services.

(6) "Person" means an individual, corporation, partnership, association, or other legal entity.

(7) "Provider" means any person lawfully licensed or authorized to render any health service. [1986 c 243 § 2.]

**48.80.030 Making false claims, concealing information—Penalty—Exclusions.** (1) A person shall not make or present or cause to be made or presented to a health care payer a claim for a health care payment knowing the claim to be false.

(2) No person shall knowingly present to a health care payer a claim for a health care payment that falsely represents that the goods or services were medically necessary in accordance with professionally accepted standards. Each claim that violates this subsection shall constitute a separate offense.

(3) No person shall knowingly make a false statement or false representation of a material fact to a health care payer for use in determining rights to a health care payment. Each claim that violates this subsection shall constitute a separate violation.

(4) No person shall conceal the occurrence of any event affecting his or her initial or continued right under a contract, certificate, or policy of insurance to have a payment made by a health care payer for a specified

health care service. A person shall not conceal or fail to disclose any information with intent to obtain a health care payment to which the person or any other person is not entitled, or to obtain a health care payment in an amount greater than that which the person or any other person is entitled.

(5) A person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

(6) This section does not apply to statements made on an application for coverage under a contract or certificate of health care coverage issued by an insurer, health care service contractor, health maintenance organization, or other legal entity which is self-insured and providing health care benefits to its employees. [1986 c 243 § 3.]

**48.80.040 Use of circumstantial evidence.** In a prosecution under this chapter, circumstantial evidence may be presented to demonstrate that a false statement or claim was knowingly made. Such evidence may include but shall not be limited to the following circumstances:

(1) Where a claim for a health care payment is submitted with the person's actual, facsimile, stamped, typewritten, or similar signature on the form required for the making of a claim for health care payment; and

(2) Where a claim for a health care payment is submitted by means of computer billing tapes or other electronic means if the person has advised the health care payer in writing that claims for health care payment will be submitted by use of computer billing tapes or other electronic means. [1986 c 243 § 4.]

**48.80.050 Civil action not limited.** This chapter shall not be construed to prohibit or limit a prosecution of or civil action against a person for the violation of any other law of this state. [1986 c 243 § 5.]

**48.80.060 Conviction of provider, notification to regulatory agency.** Upon the conviction under this chapter of any provider, the prosecutor shall provide written notification to the appropriate regulatory or disciplinary agency of such conviction. [1986 c 243 § 6.]

**48.80.900 Severability—1986 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. [1986 c 243 § 7.]

## Chapter 48.84

### LONG-TERM CARE INSURANCE ACT

(Delayed effective date; See RCW 48.84.910.)

Sections	
48.84.010	General provisions, intent.
48.84.020	Definitions.
48.84.030	Rules—Benefits—premiums ratio, coverage limitations.
48.84.040	Policies and contracts—Prohibited provisions.
48.84.050	Disclosure rules—Required provisions in policy or contract.
48.84.060	Prohibited practices. (Effective November 1, 1986.)

- 48.84.070 Separation of data regarding certain policies.  
 48.84.900 Severability—1986 c 170.  
 48.84.910 Effective date, application—1986 c 170.

**48.84.010 General provisions, intent.** This chapter may be known and cited as the "long-term care insurance act" and is intended to govern the content and sale of long-term care insurance and long-term care benefit contracts as defined in this chapter. This chapter shall be liberally construed to promote the public interest in protecting purchasers of long-term care insurance from unfair or deceptive sales, marketing, and advertising practices. The provisions of this chapter shall apply in addition to other requirements of Title 48 RCW. [1986 c 170 § 1.]

**48.84.020 Definitions.** Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Long-term care insurance" or "long-term care benefit contract" means any insurance policy or benefit contract primarily advertised, marketed, offered, or designed to provide coverage or services for either institutional or community-based convalescent, custodial, chronic, or terminally ill care. Such terms do not include and this chapter shall not apply to policies or contracts governed by chapter 48.66 RCW and continuing care retirement communities.

(2) "Loss ratio" means the incurred claims plus or minus the increase or decrease in reserves as a percentage of the earned premiums, or the projected incurred claims plus or minus the increase or decrease in projected reserves as a percentage of projected earned premiums, as defined by the commissioner.

(3) "Preexisting condition" means a covered person's medical condition that caused that person to have received medical advice or treatment during the specified time period before the effective date of coverage.

(4) "Medicare" means Title XVIII of the United States social security act, or its successor program.

(5) "Medicaid" means Title XIX of the United States social security act, or its successor program.

(6) "Nursing home" means a nursing home as defined in RCW 18.51.010. [1986 c 170 § 2.]

**48.84.030 Rules—Benefits—premiums ratio, coverage limitations.** (1) The commissioner shall adopt rules requiring reasonable benefits in relation to the premium or price charged for long-term care policies and contracts which rules may include but are not limited to the establishment of minimum loss ratios.

(2) In addition, the commissioner may adopt rules establishing standards for long-term care coverage benefit limitations, exclusions, exceptions, and reductions and for policy or contract renewability. [1986 c 170 § 3.]

**48.84.040 Policies and contracts—Prohibited provisions.** No long-term care insurance policy or benefit contract may:

(1) Use riders, waivers, endorsements, or any similar method to limit or reduce coverage or benefits;

(2) Indemnify against losses resulting from sickness on a different basis than losses resulting from accidents;

(3) Be canceled, nonrenewed, or segregated at the time of rating solely on the grounds of the age or the deterioration of the mental or physical health of the covered person;

(4) Exclude or limit coverage for preexisting conditions for a period of more than one year prior to the effective date of the policy or contract or more than six months after the effective date of the policy or contract;

(5) Differentiate benefit amounts on the basis of the type or level of nursing home care provided;

(6) Contain a provision establishing any new waiting period in the event an existing policy or contract is converted to a new or other form within the same company. [1986 c 170 § 4.]

**48.84.050 Disclosure rules—Required provisions in policy or contract.** (1) The commissioner shall adopt rules requiring disclosure to consumers of the level, type, and amount of benefits provided and the limitations, exclusions, and exceptions contained in a long-term care insurance policy or contract. In adopting such rules the commissioner shall require an understandable disclosure to consumers of any cost for services that the consumer will be responsible for in utilizing benefits covered under the policy or contract.

(2) Each long-term care insurance policy or contract shall include a provision, prominently displayed on the first page of the policy or contract, stating in substance that the person to whom the policy or contract is sold shall be permitted to return the policy or contract within thirty days of its delivery. In the case of policies or contracts solicited and sold by mail, the person may return the policy or contract within sixty days. Once the policy or contract has been returned, the person may have the premium refunded if, after examination of the policy or contract, the person is not satisfied with it for any reason. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy or contract to the insurer or agent. If a person, pursuant to such notice, returns the policy or contract to the insurer at its branch or home office, or to the agent from whom the policy or contract was purchased, the policy or contract shall be void from its inception, and the parties shall be in the same position as if no policy or contract had been issued. [1986 c 170 § 5.]

**48.84.060 Prohibited practices.** (Effective November 1, 1986.) No agent, broker, or other representative of an insurer, contractor, or other organization selling or offering long-term care insurance policies or benefit contracts may: (1) Complete the medical history portion of any form or application for the purchase of such policy or contract; (2) knowingly sell a long-term care policy or contract to any person who is receiving medicaid; or (3) use or engage in any unfair or deceptive act or practice in the advertising, sale, or marketing of long-term care policies or contracts. [1986 c 170 § 6.]

**48.84.070 Separation of data regarding certain policies.** Commencing with reports for accounting periods beginning on or after January 1, 1988, all insurers, fraternal benefit societies, health care services contractors, and health maintenance organizations shall, for reporting and record keeping purposes, separate data concerning long-term care insurance policies and contracts from data concerning other insurance policies and contracts. [1986 c 170 § 7.]

**48.84.900 Severability—1986 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. [1986 c 170 § 9.]

**48.84.910 Effective date, application—1986 c 170.** RCW 48.84.060 shall take effect on November 1, 1986, and the commissioner shall adopt all rules necessary to implement RCW 48.84.060 by its effective date including rules prohibiting particular unfair or deceptive acts and practices in the advertising, sale, and marketing of long-term care policies and contracts. The commissioner shall adopt all rules necessary to implement the remaining sections of this chapter by July 1, 1987, and the remaining sections of this chapter shall apply to policies and contracts issued on or after January 1, 1988. [1986 c 170 § 10.]

### Chapter 48.88

## DAY CARE SERVICES—JOINT UNDERWRITING ASSOCIATION

#### Sections

48.88.010	Intent.
48.88.020	Definitions.
48.88.030	Plan for joint underwriting association.
48.88.040	Association—Membership.
48.88.050	Policies—Liability limits—Rating plan.
48.88.060	Report to legislature.
48.88.070	Rules.

**48.88.010 Intent.** Day care service providers have experienced major problems in both the availability and affordability of liability insurance. Premiums for such insurance policies have recently grown as much as five hundred percent and the availability of such insurance in Washington markets has greatly diminished.

The availability of quality day care is essential to achieving such goals as increased work force productivity, family self-sufficiency, and protection for children at risk due to poverty and abuse. The unavailability of adequate liability insurance threatens to decrease the availability of day care services.

This chapter is intended to remedy the problem of unavailable liability insurance for day care services by requiring all insurers authorized to write commercial or professional liability insurance to be members of a joint underwriting association created to provide liability insurance for day care services. [1986 c 141 § 1.]

**48.88.020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Association" means the joint underwriting association established pursuant to the provisions of this chapter.

(2) "Day care insurance" means insurance coverage against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in rendering professional service by any licensee.

(3) "Licensee" means any person or facility licensed to provide day care services pursuant to chapter 74.15 RCW. [1986 c 141 § 2.]

**48.88.030 Plan for joint underwriting association.** The commissioner shall approve by July 1, 1986, a reasonable plan for the establishment of a nonprofit, joint underwriting association for day care insurance, subject to the conditions and limitations contained in this chapter. [1986 c 141 § 3.]

**48.88.040 Association—Membership.** The association shall be comprised of all insurers possessing a certificate of authority to write and engage in writing property and casualty insurance within this state on a direct basis, including the liability portion of multiperil policies, but not of ocean marine insurance. Every such insurer shall be a member of the association and shall remain a member as a condition of its authority to continue to transact business in this state. [1986 c 141 § 4.]

**48.88.050 Policies—Liability limits—Rating plan.** Any licensee may apply to the association to purchase day care insurance, and the association shall offer a policy with liability limits of at least one hundred thousand dollars per occurrence. The commissioner shall require the use of a rating plan for day care insurance that permits rates to be modified for individual licensees according to the type, size and past loss experience of the licensee including any other difference among licensees that can be demonstrated to have a probable effect upon losses. [1986 c 141 § 5.]

**48.88.060 Report to legislature.** By December 1, 1987, the commissioner shall file or cause to be filed a report to the legislature detailing the operations, finances, claims, and marketing experience of the association. [1986 c 141 § 6.]

**48.88.070 Rules.** The commissioner may adopt all rules necessary to ensure the efficient, equitable operation of the association, including but not limited to, rules requiring or limiting certain policy provisions. [1986 c 141 § 7.]

## Chapter 48.90

## DAY CARE CENTERS—SELF-INSURANCE

## Sections

48.90.010	Findings and intent.
48.90.020	Definitions.
48.90.030	Authority to self-insure.
48.90.040	Chapter exclusive.
48.90.050	Elements of plan.
48.90.060	Approval of plan.
48.90.070	Contributing trust fund.
48.90.080	Initial implementation of plan—Conditions.
48.90.090	Standard of care in fund management—Fiduciary.
48.90.100	Annual report.
48.90.110	Powers of association.
48.90.120	Contracts—Terms.
48.90.130	Significant modifications in plan, statement on.
48.90.140	Dissolution of plan and association.
48.90.150	Recovery limits.
48.90.160	Suspension of plan—Reconsideration.
48.90.170	Costs of investigation or review of plan.

**48.90.010 Findings and intent.** (1) Day care providers are facing a major crisis in that adequate and affordable business liability insurance is no longer available within this state for persons who care for children. Many day care centers have been forced to purchase inadequate coverage at prohibitive premium rates from unregulated foreign surplus line carriers over which the state has minimal control.

(2) There is a danger that a substantial number of day care centers who cannot afford the escalating premiums will be unable or unwilling to remain in business without adequate coverage. As a result the number of available facilities will be drastically reduced forcing some parents to leave the work force to care for their children. A corresponding demand upon the state's resources will result in the form of public assistance to unemployed parents and day care providers.

(3) There is a further danger that a substantial number of day care centers now licensed pursuant to state law, who currently provide specific safeguards for the health and safety of children but are unable to procure insurance, may choose to continue to operate without state approval, avoiding regulation and payment of legitimate taxes, and forcing some parents to place their children in facilities of unknown quality and questionable levels of safety.

(4) Most day care centers are small business enterprises with limited resources. The state's policies encourage the growth and development of small businesses.

(5) This chapter is intended to remedy the problem of nonexistent or unaffordable liability coverage for day care centers, and to encourage compliance with state laws protecting children while meeting the state's sound economic policies of encouraging small business development, sustaining an active work force, and discouraging policies that result in an increased drain on the state's resources through public assistance and other forms of public funding. This chapter will empower day care centers to create self-insurance pools, to purchase insurance coverage, and to contract for risk management and administrative services through an association with demonstrated responsible fiscal management.

(6) The intent of this legislation is to allow such associations maximum flexibility to create and administer plans to provide coverage and risk management services to licensed day care centers. [1986 c 142 § 1.]

**48.90.020 Definitions.** The definitions in this section apply throughout this chapter.

(1) "Day care center" means an agency that regularly provides care for one or more children for periods of less than twenty-four hours as defined in RCW 74.15.020(3)(d).

(2) "Association" means a corporation organized under Title 24 RCW, representative of one or more categories of day care centers not formed for the sole purpose of establishing and operating a self-insurance program that:

(a) Maintains a roster of current names and addresses of member day care centers and of former member day care centers or their representatives, and of all employees of member or former member day care centers;

(b) Has a membership of a size and stability to ensure that it will be able to provide consistent and responsible fiscal management; and

(c) Maintains a regular newsletter or other periodic communication to member day care centers.

(3) "Subscriber" means a day care center that:

(a) Subscribes to a plan created pursuant to this chapter;

(b) Complies with all state licensing requirements;

(c) Is a member in good standing of an association;

(d) Has consistently maintained its license free from revocation for cause, except where the revocation was not later rescinded or vacated by appellate or administrative decision; and

(e) Is prepared to demonstrate the willingness and ability to bear its share of the financial responsibility of its participation in the plan for each applicable contractual period. [1986 c 142 § 2.]

**48.90.030 Authority to self-insure.** Associations meeting the criteria of RCW 48.90.020 are empowered to create and operate self-insurance plans to provide general liability coverage to member day care centers who choose to subscribe to the plans. [1986 c 142 § 3.]

**48.90.040 Chapter exclusive.** Except as provided in this chapter, self-insurance plans formed and implemented pursuant to this chapter shall be governed by this chapter and shall be exempt from all other provisions of the insurance laws of this state. [1986 c 142 § 4.]

**48.90.050 Elements of plan.** Any association desiring to establish a plan pursuant to this chapter shall prepare and submit to the commissioner a proposed plan of organization and operation, including the following elements:

(1) A statement that the association meets the requirements of this chapter.

(2) A financial plan specifying:

(a) The coverage to be offered by the self-insurance pool, setting forth a deductible level and maximum level of claims that the pool will self-insure;

(b) The amount of cash reserves to be maintained for the payment of claims;

(c) The amount of insurance, if any, to be purchased to cover claims in excess of the amount of claims to be satisfied directly from the association's own cash reserves;

(d) The amount of stop-loss coverage to be purchased in the event the joint self-insurance pool's resources are exhausted in a given fiscal period;

(e) A mechanism for determining and assessing the contingent liability of subscribers in the event the assets in the contributing trust fund are at any time insufficient to cover liabilities; and

(f) Certification that all subscribers in the pool are apprised of the limitations of coverage to be provided.

(3) A plan of management setting forth:

(a) The means of fulfilling the requirements in RCW 48.90.050(2);

(b) The names and addresses of board members and their terms of office, and a copy of the corporate bylaws defining the method of election of board members;

(c) The frequency of studies or other evaluation to establish the periodic contribution rates for each of the subscribers;

(d) The responsibilities of subscribers, including procedures for entry into and withdrawal from the pool, the allocation of contingent liabilities and a procedure for immediate assessments if the contributing trust fund falls below the level set in RCW 48.90.050(2)(b);

(e) A plan for monitoring risks and disseminating information with respect to their reduction or elimination;

(f) A contract with a professional insurance management corporation, for the management and operation of any joint self-insurance pool established by the association; and

(g) The corporate address of the association. [1986 c 142 § 5.]

**48.90.060 Approval of plan.** If the plan submitted complies with RCW 48.90.050 and if the terms of the plan reflect sound financial management, the commissioner shall approve the plan submitted pursuant to RCW 48.90.050. [1986 c 142 § 6.]

**48.90.070 Contributing trust fund.** All funds contributed for the purpose of the self-insurance plan shall be deposited in a contributing trust fund, which shall at all times be maintained separately from the general funds of the association. The association shall not contribute to or draw upon the contributing trust fund at any time or for any reason other than administration of the trust fund and operation of the plan. All administration and operating costs related to the trust fund shall be drawn from it. [1986 c 142 § 7.]

**48.90.080 Initial implementation of plan—Conditions.** The initial implementation of the plan shall be conditioned upon establishment of the minimum deposits

in the contributing trust fund at least thirty days prior to the first effective date of the program for its first year of operation. [1986 c 142 § 8.]

**48.90.090 Standard of care in fund management—Fiduciary.** In managing the assets of the contributing trust fund, the association shall exercise the reasonable judgment and care that ordinary persons of prudence, intelligence, and discretion exercise in the sound management of their affairs, not in regard to speculation but in regard to preservation of their funds with maximum return, given the information reasonably available. The association may delegate this duty to a responsible fiduciary. If the fiduciary has special skills or represents that it has special skills, then the fiduciary is under a duty to use those skills in the management of the fund's assets. [1986 c 142 § 9.]

**48.90.100 Annual report.** The association shall provide an annual report of the operations of the plan to all subscribers, to the secretary of social and health services, and to the commissioner. This report shall:

(1) Review claims made, judgments entered, and claims rejected;

(2) Certify that the current level of the contributing trust fund is sufficient to meet reasonable needs, or provide a plan for establishing such a level within a reasonable time; and

(3) Make recommendations for specific measures of risk reduction. [1986 c 142 § 10.]

**48.90.110 Powers of association.** The association shall have the power, in its capacity as plan administrator, to contract for or delegate services as necessary for the efficient management and operation of the plan, including but not limited to:

(1) Contracting for risk management and loss control services;

(2) Designing a continuing program of risk reduction, calling for the participation of all subscribers;

(3) Contracting for legal counsel for the defense of claims and other legal services;

(4) Consulting with the commissioner, the secretary of social and health services, or other interested state agencies with respect to any matters affecting the provision of day care for the state's children, and related risk problems; and

(5) Purchasing commercial insurance coverage in the form and amount as the subscribers may by contract agree, including reinsurance, excess coverage, and stop-loss insurance. [1986 c 142 § 11.]

**48.90.120 Contracts—Terms.** (1) All contracts between subscribers and the association shall be for one-year periods and shall terminate on the first day of the next fiscal year of the association following their signature. Subscribers withdrawing from participation in the plan during any contract period may do so only upon surrender of their licenses to care for children to the department of social and health services.

(2) Premiums should be annual, prorated quarterly in the event any subscriber withdraws, or any new subscriber contracts with the association to become part of the plan during the fiscal year. Subscribers should not have the power to delegate or assign the responsibility for their assessments.

(3) Contracts should provide for recovery by the association, of any assessments that are not promptly contributed, for methods of collection, and for resolution of related disputes. [1986 c 142 § 12.]

**48.90.130 Significant modifications in plan, statement on.** Within six months of the beginning of any fiscal year in which significant modifications of the plan are envisioned, the association shall provide the commissioner with a statement of those modifications, setting forth the proposed changes, reasons for the changes, and reasonable alternatives, if any exist. The statement shall specifically include reference to coverage available in the commercial insurance market, together with suggested solutions within the joint self-insurance plan. [1986 c 142 § 13.]

**48.90.140 Dissolution of plan and association.** (1) If at any time the plan can no longer be operated on a sound financial basis, the association may elect to dissolve the plan, subject to explicit approval by the commissioner of a plan for dissolution. Once a plan operated by an association has been dissolved, that association may not again implement a plan pursuant to this chapter for five calendar years.

(2) At dissolution, the assets of the association represented by the contributing trust fund shall be deposited with the commissioner [for] a period of twenty-one years, to be made available for claims arising during that period based upon occurrences during the term of coverage. At the time of transfer of the funds, the association shall certify to the commissioner a list of all current subscribers, with their correct mailing addresses, and shall have notified all current subscribers of their obligation to keep the commissioner informed of any changes in their mailing addresses over the twenty-one year period, and that this obligation extends to their representatives, successors, assigns, and to the representatives of their estates. Upon dissolution, the association shall be required to provide to the commissioner a list of all plan subscribers during all of the years of operation of the plan.

At the end of the twenty-one year period, any funds remaining in the trust account shall be distributed to those subscribers who were current subscribers in the most recent year of operation of the plan, with each current subscriber receiving an equal share of the distribution, without regard for the length of time each day care center was a subscriber.

In the alternative, in the discretion of the association, the balance of the contributing trust fund may be used to purchase similar or more liberal coverage from a commercial insurer. Each subscriber shall, however, be given the option to deposit its share of the fund with the commissioner as provided in this section if it elects not

to participate in the proposed commercial insurance. [1986 c 142 § 14.]

**48.90.150 Recovery limits.** No person with a claim covered by a plan established pursuant to this chapter shall be entitled to recover from the plan any amount in excess of the limits of coverage provided for in the plan. [1986 c 142 § 15.]

**48.90.160 Suspension of plan—Reconsideration.** The commissioner may disapprove, and require suspension of a plan for failure of the association to comply with any provision of this chapter, for gross mismanagement, or for wilful disregard and neglect of its fiduciary duty. The association shall have the right to request reconsideration of the commissioner's decision within fifteen days of the receipt of the commissioner's written notification of the decision, or to request a hearing according to chapter 48.04 RCW. [1986 c 142 § 16.]

**48.90.170 Costs of investigation or review of plan.** All reasonable costs of any investigation or review by the commissioner of an association's plan of organization and operation, or any changes or modifications thereof, including the dissolution of a plan, shall be paid by the association before issuance of any approval required under this chapter. [1986 c 142 § 17.]

## Title 49

### LABOR REGULATIONS

#### Chapters

- 49.17** Washington industrial safety and health act.  
**49.70** Worker and community right to know act.

#### Chapter 49.17

### WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT

#### Sections

- 49.17.100 Inspections—Employer and employee representatives.  
 49.17.140 Appeal to board—Citation or notification of assessment of penalty—Final order—Procedure—Redetermination—Hearing.  
 49.17.180 Violations—Civil penalties.  
 49.17.190 Violations—Criminal penalties.

**49.17.100 Inspections—Employer and employee representatives.** A representative of the employer and an employee representative authorized by the employees of such employer shall be given an opportunity to accompany the director, or his authorized representative, during the physical inspection of any work place for the purpose of aiding such inspection. Where there is no authorized employee representative, the director or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the work place. The director may adopt procedural rules and regulations to implement the provisions of this section: *Provided*, That neither this section, nor

any other provision of this chapter, shall be construed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing concerning wages or standards or conditions of employment which equal or exceed those established under the authority of this chapter. [1986 c 192 § 1; 1973 c 80 § 10.]

**49.17.140 Appeal to board—Citation or notification of assessment of penalty—Final order—Procedure—Redetermination—Hearing.** (1) If after an inspection or investigation the director or his authorized representative issues a citation under the authority of RCW 49.17.120 or 49.17.130, the department, within a reasonable time after the termination of such inspection or investigation, shall notify the employer by certified mail of the penalty to be assessed under the authority of RCW 49.17.180 and shall state that the employer has fifteen working days within which to notify the director that he wishes to appeal the citation or assessment of penalty. If, within fifteen working days from the communication of the notice issued by the director the employer fails to notify the director that he intends to appeal the citation or assessment penalty, and no notice is filed by any employee or representative of employees under subsection (3) of this section within such time, the citation and the assessment shall be deemed a final order of the department and not subject to review by any court or agency.

(2) If the director has reason to believe that an employer has failed to correct a violation for which a citation has been issued within the period permitted in the citation for its correction, which period shall not begin to run until the entry of a final order in the case of any appeal proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties, the director shall notify the employer by certified mail of such failure to correct the violation and of the penalty to be assessed under RCW 49.17.180 by reason of such failure, and shall state that the employer has fifteen working days from the communication of such notification and assessment of penalty to notify the director that he wishes to appeal the director's notification of the assessment of penalty. If, within fifteen working days from the receipt of notification issued by the director the employer fails to notify the director that he intends to appeal the notification of assessment of penalty, the notification and assessment of penalty shall be deemed a final order of the department and not subject to review by any court or agency.

(3) If any employer notifies the director that he intends to appeal the citation issued under either RCW 49.17.120 or 49.17.130 or notification of the assessment of a penalty issued under subsections (1) or (2) of this section, or if, within fifteen working days from the issuance of a citation under either RCW 49.17.120 or 49.17.130 any employee or representative of employees files a notice with the director alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the director may reassume jurisdiction over the entire matter, or any portion thereof upon

which notice of intention to appeal has been filed with the director pursuant to this subsection. If the director reassumes jurisdiction of all or any portion of the matter upon which notice of appeal has been filed with the director, any redetermination shall be completed and corrective notices of assessment of penalty, citations, or revised periods of abatement completed within a period of thirty working days, which redetermination shall then become final subject to direct appeal to the board of industrial insurance appeals within fifteen working days of such redetermination with service of notice of appeal upon the director. In the event that the director does not reassume jurisdiction as provided in this subsection, he shall promptly notify the state board of industrial insurance appeals of all notifications of intention to appeal any such citations, any such notices of assessment of penalty and any employee or representative of employees notice of intention to appeal the period of time fixed for abatement of a violation and in addition certify a full copy of the record in such appeal matters to the board. The director shall adopt rules of procedure for the re-assumption of jurisdiction under this subsection affording employers, employees, and employee representatives notice of the re-assumption of jurisdiction by the director, and an opportunity to object or support the re-assumption of jurisdiction, either in writing or orally at an informal conference to be held prior to the expiration of the thirty-day period. A notice of appeal filed under this section shall stay the effectiveness of any citation or notice of the assessment of a penalty pending review by the board of industrial insurance appeals, but such appeal shall not stay the effectiveness of any order of immediate restraint issued by the director under the authority of RCW 49.17.130. The board of industrial insurance appeals shall afford an opportunity for a hearing in the case of each such appellant and the department shall be represented in such hearing by the attorney general and the board shall in addition provide affected employees or authorized representatives of affected employees an opportunity to participate as parties to hearings under this subsection. The board shall thereafter make disposition of the issues in accordance with procedures relative to contested cases appealed to the state board of industrial insurance appeals.

Upon application by an employer showing that a good faith effort to comply with the abatement requirements of a citation has been made and that the abatement has not been completed because of factors beyond his control, the director after affording an opportunity for a hearing shall issue an order affirming or modifying the abatement requirements in such citation. [1986 c 20 § 1; 1973 c 80 § 14.]

**49.17.180 Violations—Civil penalties.** (1) Any employer who wilfully or repeatedly violates the requirements of RCW 49.17.060, of any safety or health standard promulgated under the authority of this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of



any order issued granting a variance under RCW 49.17.080 or 49.17.090 may be assessed a civil penalty not to exceed fifty thousand dollars for each violation.

(2) Any employer who has received a citation for a serious violation of the requirements of RCW 49.17.060, of any safety or health standard promulgated under the authority of this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090 as determined in accordance with subsection (6) of this section, shall be assessed a civil penalty not to exceed five thousand dollars for each such violation.

(3) Any employer who has received a citation for a violation of the requirements of RCW 49.17.060, of any safety or health standard promulgated under this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090, where such violation is specifically determined not to be of a serious nature as provided in subsection (6) of this section, may be assessed a civil penalty not to exceed three thousand dollars for each such violation, unless such violation is determined to be de minimis.

(4) Any employer who fails to correct a violation for which a citation has been issued under RCW 49.17.120 or 49.17.130 within the period permitted for its correction, which period shall not begin to run until the date of the final order of the board of industrial insurance appeals in the case of any review proceedings under this chapter initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a civil penalty of not more than five thousand dollars for each day during which such failure or violation continues.

(5) Any employer who violates any of the posting requirements of this chapter, or any of the posting requirements of rules promulgated by the department pursuant to this chapter related to employee or employee representative's rights to notice, including but not limited to those employee rights to notice set forth in RCW 49.17.080, 49.17.090, 49.17.120, 49.17.130, 49.17.220(1) and 49.17.240(2), shall be assessed a penalty not to exceed three thousand dollars for each such violation. Any employer who violates any of the posting requirements for the posting of informational, educational, or training materials under the authority of RCW 49.17.050(7), may be assessed a penalty not to exceed one thousand five hundred dollars for each such violation.

(6) For the purposes of this section, a serious violation shall be deemed to exist in a work place if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such work place, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(7) The director, or his authorized representatives, shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the number of affected employees of the employer being charged, the gravity of the violation, the size of the employer's business, the good faith of the employer, and the history of previous violations.

(8) Civil penalties imposed under this chapter shall be paid to the director for deposit in the supplemental pension fund established by RCW 51.44.033. Civil penalties may be recovered in a civil action in the name of the department brought in the superior court of the county where the violation is alleged to have occurred, or the department may utilize the procedures for collection of civil penalties as set forth in RCW 51.48.120 through 51.48.150. [1986 c 20 § 2; 1973 c 80 § 18.]

**49.17.190 Violations—Criminal penalties.** (1) Any person who gives advance notice of any inspection to be conducted under the authority of this chapter, without the consent of the director or his authorized representative, shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or by both.

(2) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months or by both.

(3) Any employer who wilfully and knowingly violates the requirements of RCW 49.17.060, any safety or health standard promulgated under this chapter, any existing rule or regulation governing the safety or health conditions of employment and adopted by the director, or any order issued granting a variance under RCW 49.17.080 or 49.17.090 and that violation caused death to any employee shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than one hundred thousand dollars or by imprisonment for not more than six months or by both; except, that if the conviction is for a violation committed after a first conviction of such person, punishment shall be a fine of not more than two hundred thousand dollars or by imprisonment for not more than one year, or by both.

(4) Any employer who has been issued an order immediately restraining a condition, practice, method, process, or means in the work place, pursuant to RCW 49.17.130 or 49.17.170, and who nevertheless continues such condition, practice, method, process, or means, or who continues to use a machine or equipment or part thereof to which a notice prohibiting such use has been attached, shall be guilty of a gross misdemeanor, and upon conviction shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than six months, or by both.

(5) Any employer who shall knowingly remove, displace, damage, or destroy, or cause to be removed, displaced, damaged, or destroyed any safety device or safeguard required to be present and maintained by any safety or health standard, rule, or order promulgated pursuant to this chapter, or pursuant to the authority vested in the director under RCW 43.22.050 shall, upon conviction, be guilty of a misdemeanor and be punished by a fine of not more than one thousand dollars or by imprisonment for not more than ninety days, or by both.

(6) Whenever the director has reasonable cause to believe that any provision of this section defining a crime has been violated by an employer, the director shall cause a record of such alleged violation to be prepared, a copy of which shall be referred to the prosecuting attorney of the county wherein such alleged violation occurred, and the prosecuting attorney of such county shall in writing advise the director of the disposition he shall make of the alleged violation. [1986 c 20 § 3; 1973 c 80 § 19.]

**Chapter 49.70**

**WORKER AND COMMUNITY RIGHT TO KNOW ACT**

Sections

- 49.70.170 Worker and community right to know fund—Employer assessments—Audits—Appeal of assessment.
- 49.70.177 Penalties for late payment of fees—Collection of fees and penalties.

**49.70.170 Worker and community right to know fund—Employer assessments—Audits—Appeal of assessment.** (1) The worker and community right to know fund is hereby established in the custody of the state treasurer. The department shall deposit all moneys received under this chapter in the fund. Moneys in the fund may be spent only for the purposes of this chapter following legislative appropriation. Disbursements from the fund shall be on authorization of the director or the director's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW.

(2) The department shall assess each employer who reported ten thousand four hundred or more worker hours in the prior calendar year an annual fee to provide for the implementation of this chapter. The department shall promulgate rules establishing a fee schedule for all employers who reported ten thousand four hundred or more worker hours in the prior calendar year and are engaged in business operations having a standard industrial classification, as designated in the standard industrial classification manual prepared by the federal office of management and budget, within major group numbers 01 through 08 (agriculture and forestry industries), numbers 10 through 14 (mining industries), numbers 15 through 17 (construction industries), numbers 20 through 39 (manufacturing industries), numbers 41, 42, and 44 through 49 (transportation, communications,

electric, gas, and sanitary services), number 75 (automotive repair, services, and garages), number 76 (miscellaneous repair services), number 80 (health services), and number 82 (educational services). The department shall establish the annual fee for each employer who reported ten thousand four hundred or more worker hours in the prior calendar year in industries identified by this section, provided that fees assessed shall not be more than two dollars and fifty cents per full time equivalent employee. The annual fee shall not exceed fifty thousand dollars. The fees shall be collected solely from employers whose industries have been identified by rule under this chapter. The department shall promulgate rules allowing employers who do not have hazardous substances at their workplace to request an exemption from the assessment and shall establish penalties for fraudulent exemption requests. All fees collected by the department pursuant to this section shall be collected in a cost-efficient manner and shall be deposited in the fund.

(3) Records required by this chapter shall at all times be open to the inspection of the director, or his designee including, the traveling auditors, agents or assistants of the department provided for in RCW 51.16.070 and 51.48.040. The information obtained from employer records under the provisions of this section shall be subject to the same confidentiality requirements as set forth in RCW 51.16.070.

(4) An employer may appeal the assessment of the fee or penalties pursuant to the procedures set forth in Title 51 RCW and accompanying rules except that the employer shall not have the right of appeal to superior court as provided in Title 51 RCW. The employer from whom the fee or penalty is demanded or enforced, may however, within thirty days of the board of industrial insurance appeal's final order, pay the fee or penalty under written protest setting forth all the grounds upon which such fee or penalty is claimed to be unlawful, excessive or otherwise improper and thereafter bring an action in superior court against the department to recover such fee or penalty or any portion of the fee or penalty which was paid under protest.

(5) Repayment shall be made to the general fund of any moneys appropriated by law in order to implement this chapter. [1986 c 310 § 1; 1984 c 289 § 24.]

**49.70.177 Penalties for late payment of fees—Collection of fees and penalties.** If payment of any fee assessed under RCW 49.70.170 is not received by the department by the due date, there shall be assessed a penalty of five percent of the amount of the fee. If the fee is not received within thirty days after the due date, there shall be assessed a total penalty of ten percent of the amount of the fee. If the fee is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the fee. No penalty added may be less than ten dollars. If a warrant is issued by the department for the collection of fees, penalties, and interest, there shall be an additional penalty of five percent of the amount of the fee, but not less than five dollars nor more than one hundred dollars. Warrants shall earn interest at the rate of one percent

per month, or fraction thereof, from and after the date of entry of the warrant. The department may utilize the procedures for collection of fees, penalties, and interest set forth in Title 51 RCW. [1986 c 310 § 2.]

## Title 50 UNEMPLOYMENT COMPENSATION

### Chapters

- 50.04** Definitions.
- 50.20** Benefits and claims.
- 50.29** Employer experience rating.
- 50.63** Employment partnership program.
- 50.64** Special employment assistance—First source contracts—Financial incentives.

### Chapter 50.04 DEFINITIONS

#### Sections

- 50.04.165 Employment—Corporate officers—Election of coverage.
- 50.04.320 Wages, remuneration.

**50.04.165 Employment—Corporate officers—Election of coverage.** Services performed by corporate officers as defined in RCW 23A.08.470, other than those covered by chapter 50.44 RCW, shall not be considered services in employment. However, a corporation may elect to cover not less than all of its corporate officers under RCW 50.24.160. If an employer does not elect to cover its corporate officers under RCW 50.24.160, the employer must notify its corporate officers in writing that they are ineligible for unemployment benefits. If the employer fails to notify any corporate officer, then that person shall not be considered to be a corporate officer for the purposes of this section. [1986 c 110 § 1; 1983 1st ex.s. c 23 § 4; 1981 c 35 § 13.]

**Conflict with federal requirements—1986 c 110:** "If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state." [1986 c 110 § 2.]

**Severability—1986 c 110:** "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." [1986 c 110 § 3.]

**Effective date—1986 c 110:** "This act shall take effect July 1, 1986." [1986 c 110 § 4.]

**Conflict with federal requirements—Effective dates—Construction—1983 1st ex.s. c 23:** See notes following RCW 50.04.073.

**Severability—1981 c 35:** See note following RCW 50.22.030.

**50.04.320 Wages, remuneration.** For the purpose of payment of contributions, "wages" means the remuneration paid by one employer during any calendar year to

an individual in its employment under this title or the unemployment compensation law of any other state in the amount specified in RCW 50.24.010. If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the operating assets of another employer (hereinafter referred to as a predecessor employer) or assets used in a separate unit of a trade or business of a predecessor employer, and immediately after the acquisition employs in the individual's trade or business an individual who immediately before the acquisition was employed in the trade or business of the predecessor employer, then, for the purposes of determining the amount of remuneration paid by the successor employer to the individual during the calendar year which is subject to contributions, any remuneration paid to the individual by the predecessor employer during that calendar year and before the acquisition shall be considered as having been paid by the successor employer.

For the purpose of payment of benefits, "wages" means the remuneration paid by one or more employers to an individual for employment under this title during his base year: *Provided*, That at the request of a claimant, wages may be calculated on the basis of remuneration payable. The department shall notify each claimant that wages are calculated on the basis of remuneration paid, but at the claimant's request a redetermination may be performed and based on remuneration payable.

For the purpose of payment of benefits and payment of contributions, the term "wages" includes tips which are received after January 1, 1987, while performing services which constitute employment, and which are reported to the employer for federal income tax purposes.

"Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the commissioner. Remuneration does not include payments to members of a reserve component of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

Previously accrued compensation, other than severance pay or payments received pursuant to plant closure agreements, when assigned to a specific period of time by virtue of a collective bargaining agreement, individual employment contract, customary trade practice, or request of the individual compensated, shall be considered remuneration for the period to which it is assigned. Assignment clearly occurs when the compensation serves to make the individual eligible for all regular fringe benefits for the period to which the compensation is assigned.

The provisions of this section pertaining to the assignment of previously accrued compensation shall not apply to individuals subject to RCW 50.44.050. [1986 c 21 § 1; 1984 c 134 § 2; 1983 1st ex.s. c 23 § 6; 1983 c 67 § 1; 1970 ex.s. c 2 § 3; 1953 ex.s. c 8 § 2; 1951 c 265 § 3; 1949 c 214 § 4; 1947 c 215 § 6; 1945 c 35 § 33; Rem.

Supp. 1949 § 9998–171. Prior: 1943 c 127 § 13; 1941 c 253 § 14; 1939 c 214 § 16; 1937 c 162 § 19.]

**Conflict with federal requirements—1986 c 21:** "If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state." [1986 c 21 § 2.]

**Severability—1986 c 21:** "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." [1986 c 21 § 3.]

**Conflict with federal requirements—Effective dates—Construction—1983 1st ex.s. c 23:** See notes following RCW 50.04.073.

**Effective date—1970 ex.s. c 2:** See note following RCW 50.04.020.

**Severability—1951 c 265:** See note following RCW 50.98.070.

## Chapter 50.20

### BENEFITS AND CLAIMS

#### Sections

50.20.015	Persons with marginal labor force attachment.
50.20.016	Repealed.
50.20.017	Repealed.
50.20.085	Disqualification for receipt of industrial insurance disability benefits.

**50.20.015 Persons with marginal labor force attachment.** If the product of an otherwise eligible individual's weekly benefit amount multiplied by thirteen is greater than the total amount of wages earned in covered employment in the higher of two corresponding calendar quarters included within the individual's determination period, that individual shall be considered to have marginal labor force attachment. For the purposes of this subsection and RCW 50.29.020, "determination period" means the first eight of the last nine completed calendar quarters immediately preceding the individual's current benefit year. [1986 c 106 § 1; 1985 c 285 § 3; 1984 c 205 § 9.]

**Conflict with federal requirements—1986 c 106:** "If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state." [1986 c 106 § 7.]

**Severability—1986 c 106:** "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." [1986 c 106 § 8.]

**Severability—1985 c 285:** "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." [1985 c 285 § 5.]

**Effective date—1985 c 285:** "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, 1985." [1985 c 285 § 6.]

**Conflict with federal requirements—Severability—Effective dates—1984 c 205:** See notes following RCW 50.20.120.

**Persons with marginal labor force attachment—Effect on employer experience rating accounts:** RCW 50.29.020.

**50.20.016 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**50.20.017 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**50.20.085 Disqualification for receipt of industrial insurance disability benefits.** An individual is disqualified from benefits with respect to any day or days in which he or she is receiving compensation under RCW 51.32-.060 or 51.32.090. [1986 c 75 § 1.]

## Chapter 50.29

### EMPLOYER EXPERIENCE RATING

#### Sections

50.29.010	Definitions.
50.29.022	Calculation of percentage rate of savings for benefit charges for certain fiscal years—Conflict with federal requirements.

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

"Computation date" means July 1st of any year;

"Cut-off date" means September 30th next following the computation date;

"Qualification date" means April 1st of the third year preceding the computation date;

"Rate year" means the calendar year immediately following the computation date;

"Payroll" means all wages (as defined for contribution purposes) paid by an employer to individuals in his employment;

"Qualified employer" means any employer who (1) reported some employment in the twelve-month period beginning with the qualification date, (2) had no period of four or more consecutive calendar quarters for which he or she reported no employment in the two calendar years immediately preceding the computation date, and (3) has submitted by the cut-off date all reports, contributions, interest, and penalties required under this title for the period preceding the computation date. Unpaid contributions, interest, and penalties may be disregarded for the purposes of this section if they constitute less than either twenty-five dollars or one-half of one percent of the employer's total tax reported for the twelve-month period immediately preceding the computation date. Late reports, contributions, penalties, or interest from employment defined under RCW 50.04.160 may be disregarded for the purposes of this section if showing is made to the satisfaction of the commissioner that an otherwise qualified employer acted in good faith and that forfeiture of qualification for a reduced contribution rate because of such delinquency would be inequitable. [1986 c 111 § 1; 1984 c 205 § 3; 1983 1st ex.s. c 23 §

17; 1973 1st ex.s. c 158 § 11; 1971 c 3 § 16; 1970 ex.s. c 2 § 10.]

**Conflict with federal requirements—1986 c 111:** "If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state." [1986 c 111 § 2.]

**Severability—1986 c 111:** "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." [1986 c 111 § 4.]

**Conflict with federal requirements—Severability—Effective dates—1984 c 205:** See notes following RCW 50.20.120.

**Conflict with federal requirements—Effective dates—Construction—1983 1st ex.s. c 23:** See notes following RCW 50.04.073.

**Effective date—1973 1st ex.s. c 158:** See note following RCW 50.08.020.

**Construction—Compliance with federal act—1971 c 3:** See RCW 50.44.080.

*Wages defined for contribution purposes: RCW 50.04.320.*

**50.29.022 Calculation of percentage rate of savings for benefit charges for certain fiscal years—Conflict with federal requirements.** (1) For the purpose of establishing an employer's rate of contribution for the tax year beginning January 1, 1985, the department shall calculate a percentage rate of savings for benefit charges for the fiscal year ending June 30, 1985 and apply the rate as though RCW 50.29.020(2)(g) had been in effect for fiscal years 1984, 1983, 1982, and 1981. For fiscal years ending June 30, 1986, and beyond, benefit charges will be calculated pursuant to RCW 50.29.020(2)(g).

(2) For the purpose of establishing an employer's rate of contribution for the tax year beginning January 1, 1986, the department shall calculate the percentage rate of savings for benefit charges for the fiscal year ending 1985, and apply the rate to fiscal years 1984, 1983, and 1982.

(3) For the purpose of establishing an employer's rate of contribution for the tax year beginning January 1, 1987, the department shall calculate the average percentage rate of savings for benefit charges for fiscal years 1986 and 1985, and apply the rate to fiscal years 1984 and 1983.

(4) For the purpose of establishing an employer's rate of contribution for the tax year beginning January 1, 1988, the department shall calculate the average percentage rate of savings for benefit charges for fiscal years 1987, 1986, and 1985, and apply the rate to fiscal year 1984.

(5) If any part of this section is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this section is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this section.

The rules under this section shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state. [1986 c 111 § 3; 1985 c 270 § 1.]

**Conflict with federal requirements—Severability—1986 c 111:** See notes following RCW 50.29.010.

## Chapter 50.63

### EMPLOYMENT PARTNERSHIP PROGRAM

Sections	
50.63.010	Legislative findings.
50.63.020	Employment partnership program—Created—Goals.
50.63.030	Pilot projects—Grants to be used as wage subsidies—Criteria.
50.63.040	Employer eligibility—Conditions.
50.63.050	Diversion of grants to worker-owned businesses.
50.63.060	Program participants—Eligibility for assistance programs.
50.63.070	Program participants—Benefits and salary not to be diminished.
50.63.080	Program participants—Classification under federal job training law.
50.63.090	Department of social and health services to seek federal funds.
50.63.100	Annual report to legislature—Contents.
50.63.900	Conflicts with federal requirements—1986 c 172.
50.63.901	Severability—1986 c 172.

**50.63.010 Legislative findings.** The legislature finds that the restructuring in the Washington economy has created rising public assistance caseloads and declining real wages for Washington workers. There is a profound need to develop partnership programs between the private and public sectors to create new jobs with adequate salaries and promotional opportunities for chronically unemployed and underemployed citizens of the state. A voluntary program which utilizes public wage subsidies and employer matching salaries has provided a beneficial financial incentive allowing public assistance recipients transition to permanent full-time employment. [1986 c 172 § 1.]

**50.63.020 Employment partnership program—Created—Goals.** The employment partnership program is created to develop a series of model projects to provide permanent full-time employment for low-income and unemployed persons. The program shall be a cooperative effort between the employment security department and the department of social and health services. The goals of the program are as follows:

(1) To reduce inefficiencies in administration and provide model coordination of agencies with responsibilities for employment and human service delivery to unemployed persons;

(2) To create voluntary financial incentives to simultaneously reduce unemployment and welfare caseloads; and

(3) To provide other state and federal support services to the client population to enable economic independence. [1986 c 172 § 2.]

**50.63.030 Pilot projects—Grants to be used as wage subsidies—Criteria.** The commissioner of employment security and the secretary of the department of social and health services shall establish pilot projects that enable grants to be used as a wage subsidy. The department of social and health services is designated as the lead agency for the purpose of complying with applicable federal statutes and regulations. The department shall seek any waivers from the federal government necessary to operate the employment partnership program. The projects shall be available on an individual case-by-case basis or subject to the limitations outlined in RCW 50.63.050 for the start-up or reopening of a plant under worker ownership. The projects shall be subject to the following criteria:

(1) It shall be a voluntary program and no person may have any sanction applied for failure to participate.

(2) Employment positions established by this chapter shall not be created as the result of, nor result in, any of the following:

(a) Displacement of current employees, including overtime currently worked by these employees;

(b) The filling of positions that would otherwise be promotional opportunities for current employees;

(c) The filling of a position, before compliance with applicable personnel procedures or provisions of collective bargaining agreements;

(d) The filling of a position created by termination, layoff, or reduction in workforce;

(e) The filling of a work assignment customarily performed by a worker in a job classification within a recognized collective bargaining unit in that specific work site, or the filling of a work assignment in any bargaining unit in which funded positions are vacant or in which regular employees are on layoff;

(f) A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers;

(g) Decertification of any collective bargaining unit.

(3) Wages shall be paid at the usual and customary rate of comparable jobs;

(4) A recoupment process shall recover state supplemented wages from an employer when a job does not last six months following the subsidization period for reasons other than the employee voluntarily quitting or being fired for good cause as determined by the commissioner of employment security under rules prescribed by the commissioner pursuant to chapter 50.20 RCW;

(5) Job placements shall have promotional opportunities or reasonable opportunities for wage increases;

(6) Other necessary support services such as training, day care, medical insurance, and transportation shall be provided to the extent possible;

(7) Employers shall provide monetary matching funds of at least fifty percent of total wages;

(8) Wages paid to participants shall be a minimum of five dollars an hour; and

(9) The projects shall target the hardest-to-employ populations to the extent that necessary support services are available. [1986 c 172 § 3.]

**50.63.040 Employer eligibility—Conditions.** An employer, before becoming eligible to fill a position under the employment partnership program, shall certify to the department of employment security that the employment, offer of employment, or work activity complies with the following conditions:

(1) The conditions of work are reasonable and not in violation of applicable federal, state, or local safety and health standards;

(2) The assignments are not in any way related to political, electoral, or partisan activities;

(3) The employer shall provide industrial insurance coverage as required by Title 51 RCW;

(4) The employer shall provide unemployment compensation coverage as required by Title 50 RCW;

(5) The employment partnership program participants hired following the completion of the program shall be provided benefits equal to those provided to other employees including social security coverage, sick leave, the opportunity to join a collective bargaining unit, and medical benefits. [1986 c 172 § 4.]

**50.63.050 Diversion of grants to worker-owned businesses.** Grants may be diverted for the start-up or retention of worker-owned businesses if:

(1) A feasibility study or business plan is completed on the proposed business; and

(2) The project is approved by the loan committee of the Washington state development loan fund as created by RCW 43.168.110. [1986 c 172 § 5.]

**50.63.060 Program participants—Eligibility for assistance programs.** Participants shall be considered recipients of aid to families with dependent children and remain eligible for medicaid benefits even if the participant does not receive a residual grant. Work supplementation participants shall be eligible for (1) the thirty-dollar plus one-third of earned income exclusion from income, (2) the work related expense disregard, and (3) the child care expense disregard deemed available to recipient of aid in computing his or her grant under this chapter, unless prohibited by federal law. [1986 c 172 § 6.]

**50.63.070 Program participants—Benefits and salary not to be diminished.** An applicant or recipient of aid under this chapter who participates in the employment partnership program shall be guaranteed that the value of the benefits available to him or her before entry into the program shall not be diminished. In addition, a participant employed under this chapter shall be treated in the same manner as are regular employees, and the participant's salary shall be the amount that he or she would have received if employed in that position and not participating under this chapter. [1986 c 172 § 7.]

**50.63.080 Program participants—Classification under federal job training law.** Applicants for and recipients of aid under this chapter are "individuals in special need" of training as described in section 2 of the federal job training partnership act, 29 U.S.C. Sec. 1501 et seq.,

"individuals who require special assistance" as provided in section 123 of that act, and "most in need" of employment and training opportunities as described in section 141 of that act. [1986 c 172 § 8.]

**50.63.090 Department of social and health services to seek federal funds.** The department of social and health services shall seek any federal funds available for implementation of this chapter, including, but not limited to, funds available under Title IV of the federal social security act (42 U.S.C. Sec. 601 et seq.) for the work incentive demonstration program, and the employment search program. [1986 c 172 § 9.]

**50.63.100 Annual report to legislature—Contents.** The employment security department, in conjunction with the department of social and health services shall report to the appropriate committees of the senate and the house of representatives on the employment partnership program no later than January 15, 1987, and on an annual basis thereafter. The report shall include:

- (1) The number of employer and client participants in the program;
- (2) The number and type of jobs made available under this program, including information relating to wages, benefits, and potential for promotion;
- (3) The costs of necessary support services;
- (4) The program's effectiveness in serving those aid recipients considered hard to place in employment; and
- (5) Any other appropriate information. [1986 c 172 § 10.]

**50.63.900 Conflicts with federal requirements—1986 c 172.** If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned. [1986 c 172 § 12.]

**50.63.901 Severability—1986 c 172.** 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. [1986 c 172 § 11.]

## Chapter 50.64

### SPECIAL EMPLOYMENT ASSISTANCE—FIRST SOURCE CONTRACTS—FINANCIAL INCENTIVES

#### Sections

50.64.010	Legislative findings.
50.64.020	Definitions.
50.64.030	First source contracts encouraged.
50.64.040	First source contracts—Financial incentives.
50.64.050	Employee training period—Benefits.

50.64.060	Employee training period—Financial incentives.
50.64.900	Expiration date—RCW 50.64.010 through 50.64.060.
50.64.901	Severability—1986 c 116.

**50.64.010 Legislative findings.** The legislature recognizes that the essential purpose of state economic development programs is to encourage the hiring of the unemployed. It is of even greater benefit to the state if those hired were drawing unemployment benefits or public assistance and the benefits terminate when employment is secured. A targeted program that encourages employers to make a good faith effort to hire public assistance recipients and the unemployed will provide benefits to the state of Washington. [1986 c 116 § 1.]

**50.64.020 Definitions.** (1) "Department" means the employment security department.

(2) "First source contract" means an agreement by an employer to screen applicants from a pool of qualified individuals, if any, submitted to the employer by the department and to consider hiring from that pool. [1986 c 116 § 2.]

**50.64.030 First source contracts encouraged.** The department shall encourage the use of first source contracts with employers looking to locate or expand in the state. The department shall make every effort to guarantee easy access by employers to qualified workers. The commissioner may delegate duties under this chapter to a local organization. [1986 c 116 § 3.]

**50.64.040 First source contracts—Financial incentives.** The department may provide specific financial incentives to employers who sign first source agreements if state funds are appropriated or if federal funds are made available for that purpose. The incentives may include but shall not be limited to providing an employer with up to fifty percent of a trainee's wages during the first ten weeks of employment and on-the-job training. [1986 c 116 § 4.]

**50.64.050 Employee training period—Benefits.** An employer and a prospective employee to be hired from the pool may agree to a thirty-day training period, at the end of which time the employer shall make a decision whether to hire the individual. The individual may continue to draw unemployment or public assistance, or both during the thirty-day training period. [1986 c 116 § 5.]

**50.64.060 Employee training period—Financial incentives.** The funds specified in RCW 50.64.040 shall be available during the thirty-day training period. [1986 c 116 § 6.]

**50.64.900 Expiration date—RCW 50.64.010 through 50.64.060.** RCW 50.64.010 through 50.64.060 shall expire December 31, 1989. [1986 c 116 § 8.]

**50.64.901 Severability—1986 c 116.** See RCW 82.62.900.

## Title 51 INDUSTRIAL INSURANCE

### Chapters

- 51.04** General provisions.
- 51.08** Definitions.
- 51.12** Employments and occupations covered.
- 51.14** Self-insurers.
- 51.16** Assessment and collection of premiums—  
Payrolls and records.
- 51.24** Actions at law for injury or death.
- 51.32** Compensation—Right to and amount.
- 51.36** Medical aid.
- 51.48** Penalties.
- 51.52** Appeals.

### Chapter 51.04

#### GENERAL PROVISIONS

#### Sections

- 51.04.030 Departmental medical aid function—Rules—  
Adoption of maximum fees—Maintenance of records and payment of medical bills.
- 51.04.040 Subpoena power of director—Enforcement by superior court.
- 51.04.082 Notices and orders—Mail or personal service.
- 51.04.120 Certificate of coverage required—Contents.

**51.04.030 Departmental medical aid function—Rules—Adoption of maximum fees—Maintenance of records and payment of medical bills.** The director shall, through the division of industrial insurance, supervise the providing of prompt and efficient care and treatment, including care provided by physicians' assistants governed by the provisions of chapters 18.57A and 18.71A RCW, acting under a supervising physician to workers injured during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and promulgate and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment: *Provided*, That, the department may recommend to an injured worker particular health care services and providers where specialized treatment is indicated or where cost effective payment levels or rates are obtained by the department: *And provided further*, That the department may enter into volume based contracts for services including, but not limited to, durable medical equipment so long as state-wide access to quality service is maintained for injured workers.

The director shall make and, from time to time, change as may be, and promulgate a fee bill of the maximum charges to be made by any physician, surgeon, hospital, druggist, physicians' assistants as defined in chapters 18.57A and 18.71A RCW, acting under a

supervising physician or other agency or person rendering services to injured workers. No service covered under this title shall be charged or paid at a rate or rates exceeding those specified in such fee bill, and no contract providing for greater fees shall be valid as to the excess.

The director or self-insurer, as the case may be, shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workers, shall approve and pay those which conform to the promulgated rules, regulations, and practices of the director and may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules and regulations promulgated under it. [1986 c 200 § 8; 1980 c 14 § 1. Prior: 1977 ex.s. c 350 § 2; 1977 ex.s. c 239 § 1; 1971 ex.s. c 289 § 74; 1961 c 23 § 51.04.030; prior: (i) 1917 c 28 § 6; RRS § 7715. (ii) 1919 c 129 § 3; 1917 c 29 § 7; RRS § 7716. (iii) 1923 c 136 § 10; RRS § 7719.]

**51.04.040 Subpoena power of director—Enforcement by superior court.** The director shall have power to issue subpoenas to enforce the attendance and testimony of witnesses and the production and examination of books, papers, photographs, tapes, and records before the department in connection with any claim made to the department, any billing submitted to the department, or the assessment or collection of premiums. The superior court shall have the power to enforce any such subpoena by proper proceedings. [1986 c 200 § 9; 1977 ex.s. c 323 § 1; 1961 c 23 § 51.04.040. Prior: 1915 c 188 § 7; RRS § 7699.]

**Severability—1977 ex.s. c 323:** "If any provision of this 1977 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." [1977 ex.s. c 323 § 29.]

**Effective date—1977 ex.s. c 323:** "This 1977 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, 1977." [1977 ex.s. c 323 § 30.]

**51.04.082 Notices and orders—Mail or personal service.** Any notice or order required by this title to be mailed to any employer may be served in the manner prescribed by law for personal service of summons and complaint in the commencement of actions in the superior courts of the state, but if the notice or order is mailed, it shall be addressed to the address of the employer as shown by the records of the department, or, if no such address is shown, to such address as the department is able to ascertain by reasonable effort. Failure of the employer to receive such notice or order whether served or mailed shall not release the employer from any tax or any increases or penalties thereon. [1986 c 9 § 2.]

**51.04.120 Certificate of coverage required—Contents.** Any employer other than a self-insurer subject to this title shall, under such rules as the department shall prescribe, apply for and obtain from the department a certificate of coverage. The certificate shall be personal and nontransferable and shall be valid as long as the



employer continues in business and pays the taxes due the state. In case the employer maintains more than one place of business, a separate certificate of coverage for each place at which business is transacted shall be required. Each certificate shall be numbered and shall show the name, residence, and place and character of business of the employer and such other information as the department deems necessary and shall be posted conspicuously at the place of business for which it is issued. Where a place of business of the employer is changed, the employer must notify the department within thirty days of the new address and a new certificate shall be issued for the new place of business. No employer may engage in any business for which taxes are due under this title without having a certificate of coverage in compliance with this section, except that the department, by general rule, may provide for the issuance of a certificate of coverage to employers with temporary places of business. [1986 c 9 § 1.]

*Penalties for engaging in business without certificate of coverage: RCW 51.48.103.*

### Chapter 51.08 DEFINITIONS

#### Sections

51.08.030	"Child."
51.08.095	"Health services provider" — "Provider."
51.08.177	"Successor."

**51.08.030 "Child."** "Child" means every natural born child, posthumous child, stepchild, child legally adopted prior to the injury, child born after the injury where conception occurred prior to the injury, and dependent child in the legal custody and control of the worker, all while under the age of eighteen years, or under the age of twenty-three years while permanently enrolled at a full time course in an accredited school, and over the age of eighteen years if the child is a dependent as a result of a physical, mental, or sensory handicap. [1986 c 293 § 1; 1980 c 14 § 4. Prior: 1977 ex.s. c 323 § 4; 1977 ex.s. c 80 § 36; 1975-'76 2nd ex.s. c 42 § 37; 1972 ex.s. c 65 § 1; 1969 ex.s. c 77 § 1; 1961 c 23 § 51.08.030; prior: 1957 c 70 § 7; prior: (i) 1939 c 41 § 2, part; 1929 c 132 § 1, part; 1927 c 310 § 2, part; 1921 c 182 § 2, part; 1919 c 131 § 2, part; 1917 c 120 § 1, part; 1911 c 74 § 3, part; RRS § 7675, part. (ii) 1941 c 209 § 3, part; Rem. Supp. 1941 § 7679, part.]

**Severability—Effective date—1977 ex.s. c 323:** See notes following RCW 51.04.040.

**Purpose—Intent—Severability—1977 ex.s. c 80:** See notes following RCW 4.16.190.

**Severability—Construction—1975-'76 2nd ex.s. c 42:** See RCW 26.26.900, 26.26.905.

**51.08.095 "Health services provider" — "Provider."** "Health services provider" or "provider" means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker. [1986 c 200 § 12.]

**51.08.177 "Successor."** "Successor" means any person to whom a taxpayer quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys, directly or indirectly, in bulk and not in the ordinary course of the taxpayer's business, a major part of the materials, supplies, merchandise, inventory, fixtures, or equipment of the taxpayer. [1986 c 9 § 3.]

### Chapter 51.12

#### EMPLOYMENTS AND OCCUPATIONS COVERED

#### Sections

51.12.045	Offenders performing community service.
-----------	---

**51.12.045 Offenders performing community service.** Offenders performing community services pursuant to court order or under RCW 13.40.080 may be deemed employees and/or workers under this title at the option of the state, county, city, town, or nonprofit organization under whose authorization the services are performed. Any premiums or assessments due under this title for community services work shall be the obligation of and be paid for by the state agency, county, city, town, or nonprofit organization for which the offender performed the community services. Coverage commences when a state agency, county, city, town, or nonprofit organization has given notice to the director that it wishes to cover offenders performing community services before the occurrence of an injury or contraction of an occupational disease. [1986 c 193 § 1; 1984 c 24 § 4; 1981 c 266 § 1.]

*Counties, cities, and towns authorized to treat offenders as employees or workers under Title 51 RCW: RCW 35.21.209, 35A.21.220, 36.16.139.*

### Chapter 51.14 SELF-INSURERS

#### Sections

51.14.020	Qualification as self-insurer—Application for certification—Security deposit—Reinsurance.
51.14.060	Default by self-insurer—Director authorized to sue, sell securities, fulfill employer obligations—Liability for reimbursement.
51.14.070	Payment of compensation upon default.
51.14.073	Default by self-insurer—Lien created—Priority—Assessment.
51.14.077	Self-insurers' insolvency trust—Insolvency assessments—Rules.
51.14.080	Withdrawal of certification—Grounds.

**51.14.020 Qualification as self-insurer—Application for certification—Security deposit—Reinsurance.** (1) An employer may qualify as a self-insurer by establishing to the director's satisfaction that he or she has sufficient financial ability to make certain the prompt payment of all compensation under this title and all assessments which may become due from such employer. Each application for certification as a self-insurer submitted by an employer shall be accompanied by payment of a fee of one hundred fifty dollars or such larger sum as the director shall find necessary for the

administrative costs of evaluation of the applicant's qualifications. Any employer who has formerly been certified as a self-insurer and thereafter ceases to be so certified may not apply for certification within three years of ceasing to have been so certified.

(2) A self-insurer may be required by the director to supplement existing financial ability by depositing in an escrow account in a depository designated by the director, money and/or corporate or governmental securities approved by the director, or a surety bond written by any company admitted to transact surety business in this state filed with the department. The money, securities, or bond shall be in an amount reasonably sufficient in the director's discretion to insure payment of reasonably foreseeable compensation and assessments but not less than the employer's normal expected annual claim liabilities and in no event less than one hundred thousand dollars. In arriving at the amount of money, securities, or bond required under this subsection, the director shall take into consideration the financial ability of the employer to pay compensation and assessments and his or her probable continuity of operation. The money, securities, or bond so deposited shall be held by the director to secure the payment of compensation by the self-insurer and to secure payment of his or her assessments. The amount of security may be increased or decreased from time to time by the director. The income from any securities deposited may be distributed currently to the self-insurer.

(3) Securities or money deposited by an employer pursuant to subsection (2) of this section shall be returned to him or her upon his or her written request provided the employer files the bond required by such subsection.

(4) If the employer seeking to qualify as a self-insurer has previously insured with the state fund, the director shall require the employer to make up his or her proper share of any deficit or insufficiency in the state fund as a condition to certification as a self-insurer.

(5) A self-insurer may reinsure a portion of his or her liability under this title with any reinsurer authorized to transact such reinsurance in this state: *Provided*, That the reinsurer may not participate in the administration of the responsibilities of the self-insurer under this title. Such reinsurance may not exceed eighty percent of the liabilities under this title.

(6) For purposes of the application of this section, the department may adopt separate rules establishing the security requirements applicable to units of local government. In setting such requirements, the department shall take into consideration the ability of the governmental unit to meet its self-insured obligations, such as but not limited to source of funds, permanency, and right of default. [1986 c 57 § 1; 1977 ex.s. c 323 § 9; 1972 ex.s. c 43 § 16; 1971 ex.s. c 289 § 27.]

**Intent**—1986 c 57: See note following RCW 51.14.077.

**Severability**—**Effective date**—1977 ex.s. c 323: See notes following RCW 51.04.040.

**51.14.060 Default by self-insurer—Director authorized to sue, sell securities, fulfill employer obligations—Liability for reimbursement.** (1) The director may, in cases of default upon any obligation under this title by the self-insurer, after ten days notice by certified mail to the defaulting self-insurer of the intention to do so, bring suit upon such bond or collect the interest and principal of any of the securities as they may become due or sell the securities or any of them as may be required or apply the money deposited, all in order to pay compensation and discharge the obligations of the defaulting self-insurer under this title.

(2) The director shall be authorized to fulfill the defaulting self-insured employer's obligations under this title from the defaulting self-insured employer's deposit or from other funds provided under this title for the satisfaction of claims against the defaulting self-insured employer. The defaulting self-insured employer is liable to and shall reimburse the director for the amounts necessary to fulfill the obligations of the defaulting self-insured employer that are in excess of the amounts received by the director from any bond filed, or securities or money deposited, by the defaulting self-insured employer pursuant to chapter 51.14 RCW. The amounts to be reimbursed shall include all amounts paid or payable as compensation under this title together with administrative costs, including attorneys' fees, and shall be considered taxes due the state of Washington. [1986 c 57 § 2; 1971 ex.s. c 289 § 31.]

**Intent**—1986 c 57: See note following RCW 51.14.077.

**51.14.070 Payment of compensation upon default.** Whenever compensation due under this title is not paid because of an uncorrected default of a self-insurer, such compensation shall be paid from the medical aid and accidents funds, and any moneys obtained by the director from the bonds or other security provided under RCW 51.14.020 shall be deposited to the appropriate fund for the payment of compensation and administrative costs, including attorneys' fees. [1986 c 57 § 3; 1971 ex.s. c 289 § 36.]

**Intent**—1986 c 57: See note following RCW 51.14.077.

**51.14.073 Default by self-insurer—Lien created—Priority—Assessment.** (1) In all cases of probate, insolvency, assignment for the benefit of creditors, or bankruptcy, the claim of the state for the amounts necessary to fulfill the obligations of a defaulting self-insured employer together with administrative costs and attorneys' fees is a lien prior to all other liens or claims and on a parity with prior tax liens and the mere existence of a default by a self-insured employer is sufficient to create the lien without any prior or subsequent action by the state. All administrators, receivers, and assignees for the benefit of creditors shall notify the director of such administration, receivership, or assignment within thirty days of their appointment or qualification.

(2) Separate and apart and in addition to the lien established by this section, the department may issue an

assessment, as provided for in RCW 51.48.120, for the amount necessary to fulfill the defaulting self-insured employer's obligations, including all amounts paid and payable as compensation under this title and administrative costs, including attorneys' fees. [1986 c 57 § 4.]

**Intent**—1986 c 57: See note following RCW 51.14.077.

**51.14.077 Self-insurers' insolvency trust—Insolvency assessments—Rules.** (1) A self-insurers' insolvency trust is established to provide for the unsecured benefits paid to the injured workers of self-insured employers under this title for insolvent or defaulting self-insured employers and for the department's associated administrative costs, including attorneys' fees. The self-insurers' insolvency trust shall be funded by an insolvency assessment which shall be levied on a post-insolvency basis and after the defaulting self-insured employer's security deposit, assets, and reinsurance, if any, have been exhausted. Insolvency assessments shall be imposed on all self-insured employers, except school districts, cities, and counties. The manner of imposing and collecting assessments to the insolvency fund shall be set forth in rules adopted by the department to ensure that self-insured employers pay into the fund in proportion to their claim costs. The department's rules shall provide that self-insured employers who have surrendered their certification shall be assessed for a period of not more than three calendar years following the termination date of their certification.

(2) The director shall adopt rules to carry out the purposes of this section, including but not limited to:

(a) Governing the formation of the self-insurers' insolvency trust for the purpose of this chapter;

(b) Governing the organization and operation of the self-insurers' insolvency trust to assure compliance with the requirements of this chapter;

(c) Requiring adequate accountability of the collection and disbursement of funds in the self-insurers' insolvency trust; and

(d) Any other provisions necessary to carry out the requirements of this chapter. [1986 c 57 § 6.]

**Intent**—1986 c 57: "It is the intent of the legislature to provide for the continuation of workers' compensation benefits in the event of the failure of a self-insured employer to meet its compensation obligations when the employer's security deposit, assets, and reinsurance are inadequate. The legislature finds and declares that the establishment of a self-insurers' insolvency trust is necessary to assure that benefit payments to injured workers of self-insured employers will not become the responsibility of the state fund." [1986 c 57 § 5.]

**51.14.080 Withdrawal of certification—Grounds.** Certification of a self-insurer shall be withdrawn by the director upon one or more of the following grounds:

(1) The employer no longer meets the requirements of a self-insurer; or

(2) The self-insurer's deposit is insufficient; or

(3) The self-insurer intentionally or repeatedly induces employees to fail to report injuries, induces claimants to treat injuries in the course of employment as off-the-job injuries, persuades claimants to accept less than

the compensation due, or unreasonably makes it necessary for claimants to resort to proceedings against the employer to obtain compensation; or

(4) The self-insurer habitually fails to comply with rules and regulations of the director regarding reports or other requirements necessary to carry out the purposes of this title; or

(5) The self-insurer habitually engages in a practice of arbitrarily or unreasonably refusing employment to applicants for employment or discharging employees because of nondisabling bodily conditions; or

(6) The self-insurer fails to pay an insolvency assessment under the procedures established pursuant to RCW 51.14.077. [1986 c 57 § 7; 1971 ex.s. c 289 § 32.]

**Intent**—1986 c 57: See note following RCW 51.14.077.

**Chapter 51.16**

**ASSESSMENT AND COLLECTION OF PREMIUMS—PAYROLLS AND RECORDS**

Sections

51.16.115	Failure to comply with cash deposit or bond requirements of RCW 51.16.110.
51.16.150	Delinquent employers—Penalty after demand—Injunctive relief.
51.16.170	Lien for premiums, assessments, contributions, and penalties—Priority—In general—Notice.
51.16.200	Payment of tax by employer quitting or disposing of business—Liability of successor.

**51.16.115 Failure to comply with cash deposit or bond requirements of RCW 51.16.110.** Any employer who has not complied with the cash deposit or bond in lieu of cash deposit requirements of RCW 51.16.110 shall have failed to secure the payment of compensation under this title and the department may collect the cash deposit pursuant to RCW 51.48.120 or by any other method of collection provided by this title. [1986 c 9 § 7.]

**51.16.150 Delinquent employers—Penalty after demand—Injunctive relief.** If any employer shall default in any payment to any fund, the sum due may be collected by action at law in the name of the state as plaintiff, and such right of action shall be in addition to any other right of action or remedy. If such default occurs after demand, the director may require from the defaulting employer a bond to the state for the benefit of any fund, with surety to the director's satisfaction, in the penalty of double the amount of the estimated payments which will be required from such employer into the said funds for and during the ensuing one year, together with any penalty or penalties incurred. In case of refusal or failure after written demand personally served to furnish such bond, the state shall be entitled to an injunction restraining the delinquent from prosecuting an occupation or work until such bond is furnished, and until all delinquent premiums, penalties, interest and costs are paid, conditioned for the prompt and punctual making of all payments into said funds during such periods, and any sale, transfer, or lease attempted to be made by such

delinquent during the period of any of the defaults herein mentioned, of his works, plant, or lease thereto, shall be invalid until all past delinquencies are made good, and such bond furnished. [1986 c 9 § 4; 1985 c 315 § 2; 1972 ex.s. c 43 § 15; 1961 c 23 § 51.16.150. Prior: 1959 c 308 § 22; prior: 1929 c 132 § 4, part; 1923 c 136 § 3, part; 1917 c 120 § 5, part; 1917 c 28 § 2, part; 1915 c 188 § 3, part; 1911 c 74 § 8, part; RRS § 7682, part.]

**51.16.170 Lien for premiums, assessments, contributions, and penalties—Priority—In general—Notice.** Separate and apart from and in addition to the foregoing provisions in this chapter, the claims of the state for payments and penalties due under this title shall be a lien prior to all other liens or claims and on a parity with prior tax liens not only against the interest of any employer, in real estate, plant, works, equipment, and buildings improved, operated, or constructed by any employer, and also upon any products or articles manufactured by such employer.

The lien created by this section shall attach from the date of the commencement of the labor upon such property for which such premiums are due. In order to avail itself of the lien hereby created, the department shall, within four months after the employer has made report of his payroll and has defaulted in the payment of his premiums thereupon, file with the county auditor of the county within which such property is then situated, a statement in writing describing in general terms the property upon which a lien is claimed and stating the amount of the lien claimed by the department. If any employer fails or refuses to make report of his payroll, the lien hereby created shall continue in full force and effect, although the amount thereof is undetermined and the four months' time within which the department shall file its claim of lien shall not begin to run until the actual receipt by the department of such payroll report. From and after the filing of such claim of lien, the department shall be entitled to commence suit to cause such lien to be foreclosed in the manner provided by law for the foreclosure of other liens on real or personal property, and in such suit the certificate of the department stating the date of the actual receipt by the department of such payroll report shall be prima facie evidence of such fact. [1986 c 9 § 5; 1961 c 23 § 51.16.170. Prior: 1959 c 308 § 24; prior: 1951 c 214 § 1; 1929 c 132 § 4, part; 1923 c 136 § 3, part; 1917 c 120 § 5, part; 1917 c 28 § 2, part; 1915 c 188 § 3, part; 1911 c 74 § 8, part; RRS § 7682, part.]

**51.16.200 Payment of tax by employer quitting or disposing of business—Liability of successor.** Whenever any employer quits business, or sells out, exchanges, or otherwise disposes of the employer's business or stock of goods, any tax payable hereunder shall become immediately due and payable, and the employer shall, within ten days thereafter, make a return and pay the tax due; and any person who becomes a successor to such business shall become liable for the full amount of

the tax and withhold from the purchase price a sum sufficient to pay any tax due from the employer until such time as the employer shall produce a receipt from the department showing payment in full of any tax due or a certificate that no tax is due and, if such tax is not paid by the employer within ten days from the date of such sale, exchange, or disposal, the successor shall become liable for the payment of the full amount of tax, and the payment thereof by such successor shall, to the extent thereof, be deemed a payment upon the purchase price, and if such payment is greater in amount than the purchase price the amount of the difference shall become a debt due such successor from the employer.

No successor may be liable for any tax due from the person from whom that person has acquired a business or stock of goods if that person gives written notice to the department of such acquisition and no assessment is issued by the department within sixty days of receipt of such notice against the former operator of the business and a copy thereof mailed to such successor. [1986 c 9 § 6.]

## Chapter 51.24

### ACTIONS AT LAW FOR INJURY OR DEATH

#### Sections

- 51.24.030 Action against third person—Election by injured person or beneficiary authorized—"Injury" defined—Applicability of chapter to underinsured motorist insurance coverage.
- 51.24.060 Action against third person—Distribution of award or settlement recovered by injured worker or beneficiary—Lien—Adjustment of experience rating—Enforcement.

**51.24.030 Action against third person—Election by injured person or beneficiary authorized—"Injury" defined—Applicability of chapter to underinsured motorist insurance coverage.** (1) If a third person, not in a worker's same employ, is or may become liable to pay damages on account of a worker's injury for which benefits and compensation are provided under this title, the injured worker or beneficiary may elect to seek damages from the third person.

(2) For the purposes of this chapter, "injury" shall include any physical or mental condition, disease, ailment or loss, including death, for which compensation and benefits are paid or payable under this title.

(3) Damages recoverable by a worker or beneficiary pursuant to the underinsured motorist coverage of an insurance policy shall be subject to this chapter only if the owner of the policy is the employer of the injured worker. [1986 c 58 § 1; 1984 c 218 § 3; 1977 ex.s. c 85 § 1.]

**51.24.060 Action against third person—Distribution of award or settlement recovered by injured worker or beneficiary—Lien—Adjustment of experience rating—Enforcement.** (1) If the injured worker or beneficiary elects to seek damages from the third person, any recovery made shall be distributed as follows:

(a) The costs and reasonable attorneys' fees shall be paid proportionately by the injured worker or beneficiary and the department and/or self-insurer;

(b) The injured worker or beneficiary shall be paid twenty-five percent of the balance of the award: *Provided*, That in the event of a compromise and settlement by the parties, the injured worker or beneficiary may agree to a sum less than twenty-five percent;

(c) The department and/or self-insurer shall be paid the balance of the recovery made, but only to the extent necessary to reimburse the department and/or self-insurer for compensation and benefits paid;

(i) The department and/or self-insurer shall bear its proportionate share of the costs and reasonable attorneys' fees incurred by the worker or beneficiary to the extent of the benefits paid or payable under this title: *Provided*, That the department or self-insurer may require court approval of costs and attorneys' fees or may petition a court for determination of the reasonableness of costs and attorneys' fees.

(ii) The sum representing the department's and/or self-insurer's proportionate share shall not be subject to subsection (1) (d) and (e) of this section.

(d) Any remaining balance shall be paid to the injured worker or beneficiary;

(e) Thereafter no payment shall be made to or on behalf of a worker or beneficiary by the department and/or self-insurer for such injury until the amount of any further compensation and benefits shall equal any such remaining balance. Thereafter, such benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no recovery had been made from a third person;

(f) If the employer or a co-employee are determined under RCW 4.22.070 to be at fault, (c) and (e) of this subsection do not apply and benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no recovery had been made from a third person.

(2) The recovery made shall be subject to a lien by the department and/or self-insurer for its share under this section.

(3) The department or self-insurer has sole discretion to compromise the amount of its lien. In deciding whether or to what extent to compromise its lien, the department or self-insurer shall consider at least the following:

(a) The likelihood of collection of the award or settlement as may be affected by insurance coverage, solvency, or other factors relating to the third person;

(b) Factual and legal issues of liability as between the injured worker or beneficiary and the third person. Such issues include but are not limited to possible contributory negligence and novel theories of liability; and

(c) Problems of proof faced in obtaining the award or settlement.

(4) In the case of an employer not qualifying as a self-insurer, the department shall make a retroactive adjustment to such employer's experience rating in which the third party claim has been included to reflect

that portion of the award or settlement which is reimbursed for compensation and benefits paid and, if the claim is open at the time of recovery, applied against further compensation and benefits to which the injured worker or beneficiary may be entitled.

(5) In an action under this section, the self-insurer may act on behalf and for the benefit of the department to the extent of any compensation and benefits paid or payable from state funds.

(6) It shall be the duty of the person to whom any recovery is paid before distribution under this section to advise the department or self-insurer of the fact and amount of such recovery, the costs and reasonable attorneys' fees associated with the recovery, and to distribute the recovery in compliance with this section.

(7) The distribution of any recovery made by award or settlement of the third party action shall be confirmed by department order, served by registered or certified mail, and shall be subject to chapter 51.52 RCW. In the event the order of distribution becomes final under chapter 51.52 RCW, the director or the director's designee may file with the clerk of any county within the state a warrant in the amount of the sum representing the unpaid lien plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for such warrant and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of such worker or beneficiary mentioned in the warrant, the amount of the unpaid lien plus interest accrued and the date when the warrant was filed. The amount of such warrant as docketed shall become a lien upon the title to and interest in all real and personal property of the injured worker or beneficiary against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then proceed in the same manner and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the department in the manner provided by law in the case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee of five dollars, which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the injured worker or beneficiary within three days of filing with the clerk.

(8) The director, or the director's designee, may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a notice and order to withhold and deliver property of any kind if he or she has reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property which is due, owing, or belonging to any worker or beneficiary upon whom a warrant has been served by the department for payments due to the state fund. The notice and order to withhold and deliver shall

be served by the sheriff of the county or by the sheriff's deputy, or by any authorized representatives of the director. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property which may be subject to the claim of the department, such property shall be delivered forthwith to the director or the director's authorized representative upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the party named in the notice for the full amount claimed by the director in the notice together with costs. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer to all exemptions provided for by chapter 7.33 RCW to which the wage earner may be entitled. [1986 c 305 § 403; 1984 c 218 § 5; 1983 c 211 § 2; 1977 ex.s. c 85 § 4.]

**Preamble—Report to legislature—Applicability—Severability—1986 c 305:** See notes following RCW 4.16.160.

**Applicability—Severability—1983 c 211:** See notes following RCW 51.24.050.

### Chapter 51.32

#### COMPENSATION—RIGHT TO AND AMOUNT

Sections	
51.32.050	Death benefits.
51.32.055	Determination of permanent disabilities.
51.32.060	Permanent total disability compensation—Personal attendant.
51.32.067	Permanent total disability—Death benefit options—Election.
51.32.080	Permanent partial disability—Specified—Unspecified, rules authorized for classification thereof—Injury after permanent partial disability.
51.32.090	Temporary total disability—Partial restoration of earning power—Return to available work—When employer continues wages—Limitations. (Effective until June 30, 1989.)
51.32.090	Temporary total disability—Partial restoration of earning power—Return to available work—When employer continues wages—Limitations. (Effective June 30, 1989.)
51.32.160	Aggravation, diminution, or termination.
51.32.225	Reduction in compensation for temporary or permanent total disability—Offset for social security retirement benefits.
51.32.240	Payments made due to error, mistake, erroneous adjudication, fraud, etc.

**51.32.050 Death benefits.** (1) Where death results from the injury the expenses of burial not to exceed two thousand dollars shall be paid.

(2) (a) Where death results from the injury, a surviving spouse of a deceased worker eligible for benefits under this title shall receive monthly for life or until remarriage payments according to the following schedule:

(i) If there are no children of the deceased worker, sixty percent of the wages of the deceased worker but not less than one hundred eighty-five dollars;

(ii) If there is one child of the deceased worker and in the legal custody of such spouse, sixty-two percent of the wages of the deceased worker but not less than two hundred twenty-two dollars;

(iii) If there are two children of the deceased worker and in the legal custody of such spouse, sixty-four percent of the wages of the deceased worker but not less than two hundred fifty-three dollars;

(iv) If there are three children of the deceased worker and in the legal custody of such spouse, sixty-six percent of the wages of the deceased worker but not less than two hundred seventy-six dollars;

(v) If there are four children of the deceased worker and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased worker but not less than two hundred ninety-nine dollars; or

(vi) If there are five or more children of the deceased worker and in the legal custody of such spouse, seventy percent of the wages of the deceased worker but not less than three hundred twenty-two dollars.

(b) Where the surviving spouse does not have legal custody of any child or children of the deceased worker or where after the death of the worker legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children. The amount of such payments shall be five percent of the monthly benefits payable as a result of the worker's death for each such child but such payments shall not exceed twenty-five percent. Such payments on account of such child or children shall be subtracted from the amount to which such surviving spouse would have been entitled had such surviving spouse had legal custody of all of the children and the surviving spouse shall receive the remainder after such payments on account of such child or children have been subtracted. Such payments on account of a child or children not in the legal custody of such surviving spouse shall be apportioned equally among such children.

(c) Payments to the surviving spouse of the deceased worker shall cease at the end of the month in which remarriage occurs: *Provided*, That the monthly payment made to the child or children of the deceased worker shall from the month following such remarriage be a sum equal to five percent of the wages of the deceased worker for one child and a sum equal to five percent for each additional child up to a maximum of five such children. Payments to such child or children shall be apportioned equally among such children. Such sum shall be in place of any payments theretofore made for the benefit of or on account of any such child or children.

(d) In no event shall the monthly payments provided in subsection (2) of this section exceed seventy-five percent of the average monthly wage in the state as computed under RCW 51.08.018.

(e) In addition to the monthly payments provided for in (2)(a) through (2)(c) of this section, a surviving spouse or child or children of such worker if there is no surviving spouse, or dependent parent or parents, if there is no surviving spouse or child or children of any such deceased worker shall be forthwith paid the sum of one thousand six hundred dollars, any such children, or parents to share and share alike in said sum.

(f) Upon remarriage of a surviving spouse the monthly payments for the child or children shall continue as provided in this section, but the monthly payments to such surviving spouse shall cease at the end of the month during which remarriage occurs. However, after September 8, 1975, an otherwise eligible surviving spouse of a worker who died at any time prior to or after September 8, 1975, shall have an option of:

(i) Receiving, once and for all, a lump sum of seventy-five hundred dollars or fifty percent of the then remaining annuity value of his or her pension, whichever is the lesser: *Provided*, That if the injury occurred prior to July 1, 1971, the remarriage benefit lump sum available shall be as provided in the remarriage benefit schedules then in effect; or

(ii) If a surviving spouse does not choose the option specified in (2)(f)(i) of this section to accept the lump sum payment, the remarriage of the surviving spouse of a worker shall not bar him or her from claiming the lump sum payment authorized in (2)(f)(i) of this section during the life of the remarriage, or shall not prevent subsequent monthly payments to him or to her if the remarriage has been terminated by death or has been dissolved or annulled by valid court decree provided he or she has not previously accepted the lump sum payment.

(g) If the surviving spouse during the remarriage should die without having previously received the lump sum payment provided in (2)(f)(i) of this section, his or her estate shall be entitled to receive the sum of seventy-five hundred dollars or fifty percent of the then remaining annuity value of his or her pension whichever is the lesser.

(h) The effective date of resumption of payments under (2)(f)(ii) of this section to a surviving spouse based upon termination of a remarriage by death, annulment, or dissolution shall be the date of the death or the date the judicial decree of annulment or dissolution becomes final and when application for the payments has been received.

(i) If it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of the amendments in \*chapter 45, Laws of 1975-'76 2nd ex. sess., the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund.

(3) If there is a child or children and no surviving spouse of the deceased worker or the surviving spouse is not eligible for benefits under this title, a sum equal to thirty-five percent of the wages of the deceased worker

shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: *Provided*, That benefits under this subsection or subsection (4) shall not exceed sixty-five percent of the wages of the deceased worker at the time of his or her death or seventy-five percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums.

(4) In the event a surviving spouse receiving monthly payments dies, the child or children of the deceased worker shall receive the same payment as provided in subsection (3) of this section.

(5) If the worker leaves no surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the worker during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed sixty-five percent of the wages of the deceased worker at the time of the death or seventy-five percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums. If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-three while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) For claims filed prior to July 1, 1986, if the injured worker dies during the period of permanent total disability, whatever the cause of death, leaving a surviving spouse, or child, or children, the surviving spouse or child or children shall receive benefits as if death resulted from the injury as provided in subsections (2) through (4) of this section. Upon remarriage or death of such surviving spouse, the payments to such child or children shall be made as provided in subsection (2) of this section when the surviving spouse of a deceased worker remarries.

(7) For claims filed on or after July 1, 1986, every worker who becomes eligible for permanent total disability benefits shall elect an option as provided in RCW 51.32.067. [1986 c 58 § 3; 1982 c 63 § 18; 1977 ex.s. c 350 § 42; 1975-'76 2nd ex.s. c 45 § 2; 1975 1st ex.s. c 179 § 1; 1973 1st ex.s. c 154 § 96; 1972 ex.s. c 43 § 19; 1971 ex.s. c 289 § 7; 1965 ex.s. c 122 § 1; 1961 c 274 § 1; 1961 c 23 § 51.32.050. Prior: 1957 c 70 § 30; 1951 c 115 § 1; prior: 1949 c 219 § 1, part; 1947 c 246 § 1, part; 1929 c 132 § 2, part; 1927 c 310 § 4, part; 1923 c 136 § 2, part; 1919 c 131 § 4, part; 1917 c 28 § 1, part; 1913 c 148 § 1, part; 1911 c 74 § 5, part; Rem. Supp. 1949 § 7679, part.]

**Effective date**—1986 c 58 §§ 2, 3: See note following RCW 51.32.080.

**Effective dates—Implementation—1982 c 63:** See note following RCW 51.32.095.

**Legislative intent—1975 1st ex.s. c 179:** "The legislative intent of chapter 179, Laws of 1975 1st ex. sess. (2nd SSB No. 2241) was in part to offer surviving spouses of eligible workmen two options upon remarriage; such options to be available to any otherwise eligible surviving spouse regardless of the date of death of the injured workman. Accordingly \*this 1976 amendatory act is required to clarify that intent." [1975-'76 2nd ex.s. c 45 § 1.]

**\*Reviser's note:** "this 1976 amendatory act" and "chapter 45, Laws of 1975-'76 2nd ex. sess." consist of the legislative intent section noted above and the amendment of RCW 51.32.050 by 1975-'76 2nd ex.s. c 45 § 2.

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

### 51.32.055 Determination of permanent disabilities.

(1) One purpose of this title is to restore the injured worker as near as possible to the condition of self-support as an able-bodied worker. Benefits for permanent disability shall be determined under the director's supervision only after the injured worker's condition becomes fixed.

(2) All determinations of permanent disabilities shall be made by the department. Either the worker, employer, or self-insurer may make a request or such inquiry may be initiated by the director on his or her own motion. Such determinations shall be required in every instance where permanent disability is likely to be present. All medical reports and other pertinent information in the possession of or under the control of the employer or self-insurer shall be forwarded to the director with such requests.

(3) A request for determination of permanent disability shall be examined by the department and an order shall issue in accordance with RCW 51.52.050.

(4) The department may require that the worker present himself or herself for a special medical examination by a physician, or physicians, selected by the department, and the department may require that the worker present himself or herself for a personal interview. In such event the costs of such examination or interview, including payment of any reasonable travel expenses, shall be paid by the department or self-insurer as the case may be.

(5) The director may establish a medical bureau within the department to perform medical examinations under this section. Physicians hired or retained for this purpose shall be grounded in industrial medicine and in the assessment of industrial physical impairment. Self-insurers shall bear a proportionate share of the cost of such medical bureau in a manner to be determined by the department.

(6) Where dispute arises from the handling of any claims prior to the condition of the injured worker becoming fixed, the worker, employer, or self-insurer may request the department to resolve the dispute or the director may initiate an inquiry on his or her own motion. In such cases the department shall proceed as provided in this section and an order shall issue in accordance with RCW 51.52.050.

(7) (a) In the case of claims accepted by self-insurers after June 30, 1986, and before July 1, 1988, which involve only medical treatment and/or the payment of

temporary disability compensation under RCW 51.32.090 and which at the time medical treatment is concluded do not involve permanent disability, if the claim is one with respect to which the department has not intervened under subsection (6) of this section, and the injured worker has returned to work with the self-insured employer of record, such claims may be closed by the self-insurer, subject to reporting of claims to the department in a manner prescribed by department rules adopted under chapter 34.04 RCW.

(b) All determinations of permanent disability for claims accepted by self-insurers after June 30, 1986, and before July 1, 1988, shall be made by the self-insured section of the department under subsections (1) through (4) of this section.

(c) Upon closure of claims under (a) of this subsection the self-insurer shall enter a written order, communicated to the worker and the department self-insurance section, which contains the following statement clearly set forth in bold face type: "This order constitutes notification that your claim is being closed with medical benefits and temporary disability compensation only as provided, and with the condition you have returned to work with the self-insured employer. If for any reason you disagree with the conditions or duration of your return to work or the medical benefits or the temporary disability compensation that has been provided, you may protest in writing to the department of labor and industries, self-insurance section, within sixty days of the date you received this order." In the event the department receives such a protest the self-insurer's closure order shall be held in abeyance. The department shall review the claim closure action and enter a determinative order as provided for in RCW 51.52.050.

(d) If within two years of claim closure the department determines that the self-insurer has made payment of benefits because of clerical error, mistake of identity, or innocent misrepresentation, or the department discovers a violation of the conditions of claim closure, the department may require the self-insurer to correct the benefits paid or payable. This paragraph shall not limit in any way the application of RCW 51.32.240.

(8) In the case of claims accepted by self-insurers after June 30, 1988, which involve only medical treatment and which do not involve payment of temporary disability compensation under RCW 51.32.090 and which at the time medical treatment is concluded do not involve permanent disability, such claims may be closed by the self-insurers subject to reporting of claims to the department in a manner prescribed by department rules promulgated pursuant to chapter 34.04 RCW. Upon such closure the self-insurers shall enter a written order, communicated to the worker, which contains the following statement clearly set forth in bold-face type: "This order constitutes notification that your claim is being closed with medical benefits only, as provided. If for any reason you disagree with this closure, you may protest in writing to the Department of Labor and Industries, Olympia, within 60 days of the date you received this order. The department will then review your claim and enter a further determinative order." In the event the



department receives such a protest it shall review the claim and enter a further determinative order as provided for in RCW 51.52.050. [1986 c 55 § 1; 1981 c 326 § 1; 1977 ex.s. c 350 § 43; 1971 ex.s. c 289 § 46.]

**Effective date—Applicability—1986 c 55 § 1:** "Section 1 of this act shall take effect July 1, 1986, and shall apply to claims accepted after June 30, 1986." [1986 c 55 § 4.]

**Effective dates—Severability—1971 ex.s. c 289:** See RCW 51-98.060 and 51.98.070.

**51.32.060 Permanent total disability compensation—Personal attendant.** When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the worker shall receive monthly during the period of such disability:

(1) If married at the time of injury, sixty-five percent of his or her wages but not less than two hundred fifteen dollars per month.

(2) If married with one child at the time of injury, sixty-seven percent of his or her wages but not less than two hundred fifty-two dollars per month.

(3) If married with two children at the time of injury, sixty-nine percent of his or her wages but not less than two hundred eighty-three dollars.

(4) If married with three children at the time of injury, seventy-one percent of his or her wages but not less than three hundred six dollars per month.

(5) If married with four children at the time of injury, seventy-three percent of his or her wages but not less than three hundred twenty-nine dollars per month.

(6) If married with five or more children at the time of injury, seventy-five percent of his or her wages but not less than three hundred fifty-two dollars per month.

(7) If unmarried at the time of the injury, sixty percent of his or her wages but not less than one hundred eighty-five dollars per month.

(8) If unmarried with one child at the time of injury, sixty-two percent of his or her wages but not less than two hundred twenty-two dollars per month.

(9) If unmarried with two children at the time of injury, sixty-four percent of his or her wages but not less than two hundred fifty-three dollars per month.

(10) If unmarried with three children at the time of injury, sixty-six percent of his or her wages but not less than two hundred seventy-six dollars per month.

(11) If unmarried with four children at the time of injury, sixty-eight percent of his or her wages but not less than two hundred ninety-nine dollars per month.

(12) If unmarried with five or more children at the time of injury, seventy percent of his or her wages but not less than three hundred twenty-two dollars per month.

(13) For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled workers, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.

(14) In case of permanent total disability, if the character of the injury is such as to render the worker so physically helpless as to require the hiring of the services of an attendant, the department shall make monthly

payments to such attendant for such services as long as such requirement continues, but such payments shall not obtain or be operative while the worker is receiving care under or pursuant to the provisions of chapter 51.36 RCW and RCW 51.04.105.

(15) Should any further accident result in the permanent total disability of an injured worker, he or she shall receive the pension to which he or she would be entitled, notwithstanding the payment of a lump sum for his or her prior injury.

(16) In no event shall the monthly payments provided in this section exceed seventy-five percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018, except that this limitation shall not apply to the payments provided for in subsection (14) of this section.

(17) In the case of new or reopened claims, if the supervisor of industrial insurance determines that, at the time of filing or reopening, the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

(18) The benefits provided by this section are subject to modification under RCW 51.32.067. [1986 c 59 § 1; 1986 c 58 § 5; 1983 c 3 § 159; 1977 ex.s. c 350 § 44; 1975 1st ex.s. c 224 § 9; 1973 c 147 § 1; 1972 ex.s. c 43 § 20; 1971 ex.s. c 289 § 8; 1965 ex.s. c 122 § 2; 1961 c 274 § 2; 1961 c 23 § 51.32.060. Prior: 1957 c 70 § 31; 1951 c 115 § 2; prior: 1949 c 219 § 1, part; 1947 c 246 § 1, part; 1929 c 132 § 2, part; 1927 c 310 § 4, part; 1923 c 136 § 2, part; 1919 c 131 § 4, part; 1917 c 28 § 1, part; 1913 c 148 § 1, part; 1911 c 74 § 5, part; Rem. Supp. 1949 § 7679, part.]

**Reviser's note:** This section was amended by 1986 c 58 § 5 and by 1986 c 59 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective date—1975 1st ex.s. c 224:** See note following RCW 51.04.110.

**51.32.067 Permanent total disability—Death benefit options—Election.** (1) After a worker elects one of the options in (a), (b), or (c) of this subsection, that option shall apply only if the worker dies during a period of permanent total disability from a cause unrelated to the injury, leaving a surviving spouse, child, children, or other dependent. If, after making an election under this subsection, a worker dies from a cause related to the injury during a period of permanent total disability, his or her beneficiaries shall receive benefits under RCW 51-32.050 (2) through (5).

(a) *Option I.* An injured worker selecting this option shall receive the benefits provided by RCW 51.32.060, with no benefits being paid to the worker's surviving spouse, children, or others.

(b) *Option II.* An injured worker selecting this option shall receive an actuarially reduced benefit which upon death shall be continued throughout the life of and paid to the surviving spouse, child, or other dependent as the worker has nominated by written designation duly executed and filed with the department.

(c) *Option III.* An injured worker selecting this option shall receive an actuarially reduced benefit and, upon

death, one-half of the reduced benefit shall be continued throughout the life of and paid to the surviving spouse, child, or other dependent as the worker has nominated by written designation duly executed and filed with the department.

(2) The worker shall make the election in writing and the worker's spouse, if any, shall consent in writing as a prerequisite to the election of Option I.

(3) The department shall adopt such rules as may be necessary to implement this section. [1986 c 58 § 4.]

**51.32.080 Permanent partial disability—Specified—Unspecified, rules authorized for classification thereof—Injury after permanent partial disability.** (1) For the permanent partial disabilities here specifically described, the injured worker shall receive compensation as follows:

**LOSS BY AMPUTATION**

Of leg above the knee joint with short thigh stump (3" or less below the tuberosity of ischium) . . . . .	\$54,000.00
Of leg at or above knee joint with functional stump . . . . .	48,600.00
Of leg below knee joint . . . . .	43,200.00
Of leg at ankle (Syme) . . . . .	37,800.00
Of foot at mid-metatarsals . . . . .	18,900.00
Of great toe with resection of metatarsal bone . . . . .	11,340.00
Of great toe at metatarsophalangeal joint . . . . .	6,804.00
Of great toe at interphalangeal joint . . . . .	3,600.00
Of lesser toe (2nd to 5th) with resection of metatarsal bone . . . . .	4,140.00
Of lesser toe at metatarsophalangeal joint . . . . .	2,016.00
Of lesser toe at proximal interphalangeal joint . . . . .	1,494.00
Of lesser toe at distal interphalangeal joint . . . . .	378.00
Of arm at or above the deltoid insertion or by disarticulation at the shoulder . . . . .	54,000.00
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon . . . . .	51,300.00
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand . . . . .	48,600.00
Of all fingers except the thumb at metacarpophalangeal joints . . . . .	29,160.00
Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone . . . . .	19,440.00
Of thumb at interphalangeal joint . . . . .	9,720.00
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	12,150.00
Of index finger at proximal interphalangeal joint . . . . .	9,720.00
Of index finger at distal interphalangeal joint . . . . .	5,346.00

Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	9,720.00
Of middle finger at proximal interphalangeal joint . . . . .	7,776.00
Of middle finger at distal interphalangeal joint . . . . .	4,374.00
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	4,860.00
Of ring finger at proximal interphalangeal joint . . . . .	3,888.00
Of ring finger at distal interphalangeal joint . . . . .	2,430.00
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	2,430.00
Of little finger at proximal interphalangeal joint . . . . .	1,944.00
Of little finger at distal interphalangeal joint . . . . .	972.00

**MISCELLANEOUS**

Loss of one eye by enucleation . . . . .	21,600.00
Loss of central visual acuity in one eye . . . . .	18,000.00
Complete loss of hearing in both ears . . . . .	43,200.00
Complete loss of hearing in one ear . . . . .	7,200.00

(2) Compensation for amputation of a member or part thereof at a site other than those above specified, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation for any other permanent partial disability not involving amputation shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment: *Provided*, That in order to reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities, the department shall enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules, the department shall give consideration to, but need not necessarily adopt, any nationally recognized medical standards or guides for determining various bodily impairments. For purposes of calculating monetary benefits, the amount payable for total bodily impairment shall be deemed to be ninety thousand dollars: *Provided*, That compensation for unspecified permanent partial disabilities involving injuries to the back that do not have marked objective clinical findings to substantiate the disability shall be determined at an amount equal to seventy-five percent of the monetary value of such disability as related to total bodily impairment: *Provided further*, That the total compensation for all unspecified permanent partial disabilities resulting from the same

injury shall not exceed the sum of ninety thousand dollars, except that the total compensation for all unspecified permanent partial disabilities involving injuries to the back that do not have marked objective clinical findings to substantiate the disability and resulting from the same injury shall not exceed the sum of sixty-seven thousand five hundred dollars: *Provided further*, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured worker if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured worker and his or her monthly compensation payments shall be reduced accordingly.

(3) Should a worker receive an injury to a member or part of his or her body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such worker, his or her compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

(4) When the compensation provided for in subsections (1) and (2) exceeds three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured worker in full, except that the first monthly payment shall be in an amount equal to three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, and interest shall be paid at the rate of eight percent on the unpaid balance of such compensation commencing with the second monthly payment: *Provided*, That upon application of the injured worker or survivor the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured worker or survivor to the department and shall rest in the discretion of the department depending upon the merits of each individual application: *Provided further*, That upon death of a worker all unpaid installments accrued shall be paid according to the payment schedule established prior to the death of the worker to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title. [1986 c 58 § 2; 1982 1st ex.s. c 20 § 2; 1979 c 104 § 1; 1977 ex.s. c 350 § 46; 1972 ex.s. c 43 § 21; 1971 ex.s. c 289 § 10; 1965 ex.s. c 165 § 1; 1961 c 274 § 3; 1961 c 23 § 51.32.080. Prior: 1957 c 70 § 32; prior: 1951 c 115 § 4; 1949 c 219 § 1, part; 1947 c 246 § 1, part; 1929 c 132 § 2, part; 1927 c 310 § 4, part; 1923 c

136 § 2, part; 1919 c 131 § 4, part; 1917 c 28 § 1, part; 1913 c 148 § 1, part; 1911 c 74 § 5, part; Rem. Supp. 1949 § 7679, part.]

**Effective date**—1986 c 58 § 2, 3: "Sections 2 and 3 of this act shall take effect on July 1, 1986." [1986 c 58 § 7.]

**Effective date**—1982 1st ex.s. c 20: See note following RCW 51.32.075.

**51.32.090 Temporary total disability—Partial restoration of earning power—Return to available work—When employer continues wages—Limitations.** (Effective until June 30, 1989.) (1) When the total disability is only temporary, the schedule of payments contained in subsections (1) through (13) of RCW 51.32.060 as amended shall apply, so long as the total disability continues.

(2) Any compensation payable under this section for children not in the custody of the injured worker as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3) As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable unless the loss of earning power shall exceed five percent. However, during the period a worker returns to light-duty work, receives disability leave supplement payments pursuant to RCW 41.04.500 through 41.04.530, and is otherwise eligible for compensation under this section, the worker shall continue to receive such compensation at the rate provided under RCW 51.32.060 (1) through (13).

(4) Whenever an employer requests that a worker who is entitled to temporary total disability under this chapter be certified by a physician as able to perform available work other than his or her usual work, the employer shall furnish to the physician, with a copy to the worker, a statement describing the available work in terms that will enable the physician to relate the physical activities of the job to the worker's disability. The physician shall then determine whether the worker is physically able to perform the work described. If the worker is released by his or her physician for said work, and the work thereafter comes to an end before the worker's recovery is sufficient in the judgment of his or her physician to permit him or her to return to his or her usual job, or to perform other available work, the worker's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the worker, impede his or her recovery to the extent that in the judgment of his or her physician he or she should not continue to work, the worker's temporary total disability payments shall be resumed when the worker ceases such work.

Once the worker returns to work under the terms of this subsection, he or she shall not be assigned by the

employer to work other than the available work described without the worker's written consent, or without prior review and approval by the worker's physician.

In the event of any dispute as to the worker's ability to perform the available work offered by the employer, the department shall make the final determination.

(5) No worker shall receive compensation for or during the day on which injury was received or the three days following the same, unless his or her disability shall continue for a period of fourteen consecutive calendar days from date of injury: *Provided*, That attempts to return to work in the first fourteen days following the injury shall not serve to break the continuity of the period of disability if the disability continues fourteen days after the injury occurs.

(6) Should a worker suffer a temporary total disability and should his or her employer at the time of the injury continue to pay him or her the wages which he or she was earning at the time of such injury, such injured worker shall not receive any payment provided in subsection (1) of this section during the period his or her employer shall so pay such wages. This limitation does not apply to disability leave supplement payments made pursuant to RCW 41.04.500 through 41.04.530.

(7) In no event shall the monthly payments provided in this section exceed seventy-five percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018.

(8) If the supervisor of industrial insurance determines that the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section. [1986 c 59 § 2. Prior: 1985 c 462 § 6; 1980 c 129 § 1; 1977 ex.s. c 350 § 47; 1975 1st ex.s. c 235 § 1; 1972 ex.s. c 43 § 22; 1971 ex.s. c 289 § 11; 1965 ex.s. c 122 § 3; 1961 c 274 § 4; 1961 c 23 § 51.32.090; prior: 1957 c 70 § 33; 1955 c 74 § 8; prior: 1951 c 115 § 3; 1949 c 219 § 1, part; 1947 c 246 § 1, part; 1929 c 132 § 2, part; 1927 c 310 § 4, part; 1923 c 136 § 2, part; 1919 c 131 § 4, part; 1917 c 28 § 1, part; 1913 c 148 § 1, part; 1911 c 74 § 5, part; Rem. Supp. 1949 § 7679, part.]

**Expiration date**—1986 c 59 § 2: See note following RCW 51.32.090 (second version).

**Expiration date—Program and fiscal review**—1985 c 462: See notes following RCW 41.04.500.

**51.32.090 Temporary total disability—Partial restoration of earning power—Return to available work—When employer continues wages—Limitations.** (Effective June 30, 1989.) (1) When the total disability is only temporary, the schedule of payments contained in subdivisions (1) through (13) of RCW 51.32.060 as amended shall apply, so long as the total disability continues.

(2) Any compensation payable under this section for children not in the custody of the injured worker as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3) As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable unless the loss of earning power shall exceed five percent.

(4) Whenever an employer requests that a worker who is entitled to temporary total disability under this chapter be certified by a physician as able to perform available work other than his or her usual work, the employer shall furnish to the physician, with a copy to the worker, a statement describing the available work in terms that will enable the physician to relate the physical activities of the job to the worker's disability. The physician shall then determine whether the worker is physically able to perform the work described. If the worker is released by his or her physician for said work, and the work thereafter comes to an end before the worker's recovery is sufficient in the judgment of his or her physician to permit him or her to return to his or her usual job, or to perform other available work, the worker's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the worker, impede his or her recovery to the extent that in the judgment of his or her physician he or she should not continue to work, the worker's temporary total disability payments shall be resumed when the worker ceases such work.

Once the worker returns to work under the terms of this subsection, he or she shall not be assigned by the employer to work other than the available work described without the worker's written consent, or without prior review and approval by the worker's physician.

In the event of any dispute as to the worker's ability to perform the available work offered by the employer, the department shall make the final determination.

(5) No worker shall receive compensation for or during the day on which injury was received or the three days following the same, unless his or her disability shall continue for a period of fourteen consecutive calendar days from date of injury: *Provided*, That attempts to return to work in the first fourteen days following the injury shall not serve to break the continuity of the period of disability if the disability continues fourteen days after the injury occurs.

(6) Should a worker suffer a temporary total disability and should his or her employer at the time of the injury continue to pay him or her the wages which he or she was earning at the time of such injury, such injured worker shall not receive any payment provided in subsection (1) of this section during the period his or her employer shall so pay such wages.

(7) In no event shall the monthly payments provided in this section exceed seventy-five percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018.

(8) If the supervisor of industrial insurance determines that the worker is voluntarily retired and is no

longer attached to the work force, benefits shall not be paid under this section. [1986 c 59 § 3; 1980 c 129 § 1; 1977 ex.s. c 350 § 47; 1975 1st ex.s. c 235 § 1; 1972 ex.s. c 43 § 22; 1971 ex.s. c 289 § 11; 1965 ex.s. c 122 § 3; 1961 c 274 § 4; 1961 c 23 § 51.32.090. Prior: 1957 c 70 § 33; 1955 c 74 § 8; prior: 1951 c 115 § 3; 1949 c 219 § 1, part; 1947 c 246 § 1, part; 1929 c 132 § 2, part; 1927 c 310 § 4, part; 1923 c 136 § 2, part; 1919 c 131 § 4, part; 1917 c 28 § 1, part; 1913 c 148 § 1, part; 1911 c 74 § 5, part; Rem. Supp. 1949 § 7679, part.]

**Expiration date—1986 c 59 § 2; Effective dates—1986 c 59 §§ 3, 5:** "Section 2 of this act shall expire on June 30, 1989. Section 3 of this act shall take effect on June 30, 1989. Section 5 of this act shall take effect on July 1, 1986." [1986 c 59 § 6.]

**51.32.160 Aggravation, diminution, or termination.** If aggravation, diminution, or termination of disability takes place or be discovered after the rate of compensation shall have been established or compensation terminated, in any case the director, through and by means of the division of industrial insurance, may, upon the application of the beneficiary, made within seven years after the establishment or termination of such compensation, or upon his own motion, readjust for further application the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payment: *Provided*, That the time limitation of this section shall be ten years in claims involving loss of vision or function of the eyes.

If a worker receiving a pension for total disability returns to gainful employment for wages, the director may suspend or terminate the rate of compensation established for the disability without producing medical evidence that shows that a diminution of the disability has occurred.

No act done or ordered to be done by the director, or the department prior to the signing and filing in the matter of a written order for such readjustment shall be ground for such readjustment. [1986 c 59 § 4; 1973 1st ex.s. c 192 § 1; 1961 c 23 § 51.32.160. Prior: 1957 c 70 § 38; prior: 1951 c 115 § 5; 1949 c 219 § 1, part; 1947 c 246 § 1, part; 1929 c 132 § 2, part; 1927 c 310 § 4, part; 1923 c 136 § 2, part; 1919 c 131 § 4, part; 1917 c 28 § 1, part; 1913 c 148 § 1, part; 1911 c 74 § 5, part; Rem. Supp. 1949 § 7679, part.]

**51.32.225 Reduction in compensation for temporary or permanent total disability—Offset for social security retirement benefits.** (1) For persons receiving compensation for temporary or permanent total disability under this title, the compensation shall be reduced by the department to allow an offset for social security retirement benefits payable under the federal social security, old age survivors, and disability insurance act, 42 U.S.C. This reduction shall not apply to any worker who is receiving permanent total disability benefits prior to July 1, 1986.

(2) Reductions for social security retirement benefits under this section shall comply with the procedures in

RCW 51.32.220 (1) through (6), except those that relate to computation, and with any other procedures established by the department to administer this section.

(3) Any reduction in compensation made under \*chapter 58, Laws of 1986, shall be made before the reduction established in this section. [1986 c 59 § 5.]

**\*Reviser's note:** Chapter 58, Laws of 1986 consists of the 1986 amendments to RCW 51.24.030, 51.32.050, 51.32.060, 51.32.080, and 51.36.010 and the enactment of RCW 51.32.067.

**Effective date—1986 c 59 § 5:** See note following RCW 51.32.090.

**51.32.240 Payments made due to error, mistake, erroneous adjudication, fraud, etc.** (1) Whenever any payment of benefits under this title is made because of clerical error, mistake of identity, innocent misrepresentation by or on behalf of the recipient thereof mistakenly acted upon, or any other circumstance of a similar nature, all not induced by fraud, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The department or self-insurer, as the case may be, must make claim for such repayment or recoupment within one year of the making of any such payment or it will be deemed any claim therefor has been waived. The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.04 RCW, may exercise his discretion to waive, in whole or in part, the amount of any such timely claim where the recovery would be against equity and good conscience.

(2) Whenever the department issues an order rejecting a claim for benefits paid pursuant to RCW 51.32.190 or 51.32.210, after payment for temporary disability benefits has been paid by a self-insurer pursuant to RCW 51.32.190(3) or by the department pursuant to RCW 51.32.210, the recipient thereof shall repay such benefits and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The director, under rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.04 RCW, may exercise discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

(3) Whenever any payment of benefits under this title has been made pursuant to an adjudication by the department or by order of the board or any court and timely appeal therefrom has been made where the final decision is that any such payment was made pursuant to an erroneous adjudication, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.04 RCW, may exercise his discretion to

waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

(4) Whenever any payment of benefits under this title has been induced by fraud the recipient thereof shall repay any such payment together with a penalty of fifty percent of the total of any such payments and the amount of such total sum may be recouped from any future payments due to the recipient on any claim with the state fund or self-insurer against whom the fraud was committed, as the case may be, and the amount of such penalty shall be placed in the supplemental pension fund. Such repayment or recoupment must be demanded or ordered within one year of the discovery of the fraud. [1986 c 54 § 1; 1975 1st ex.s. c 224 § 13.]

**Effective date**—1975 1st ex.s. c 224: See note following RCW 51.04.110.

### Chapter 51.36 MEDICAL AID

#### Sections

51.36.010	Extent and duration.
51.36.100	Audits of health care providers authorized.
51.36.110	Audits of health care providers—Powers of department.

**51.36.010 Extent and duration.** Upon the occurrence of any injury to a worker entitled to compensation under the provisions of this title, he or she shall receive proper and necessary medical and surgical services at the hands of a physician of his or her own choice, if conveniently located, and proper and necessary hospital care and services during the period of his or her disability from such injury, but the same shall be limited in point of duration as follows:

In the case of permanent partial disability, not to extend beyond the date when compensation shall be awarded him or her, except when the worker returned to work before permanent partial disability award is made, in such case not to extend beyond the time when monthly allowances to him or her shall cease; in case of temporary disability not to extend beyond the time when monthly allowances to him or her shall cease: *Provided*, That after any injured worker has returned to his or her work his or her medical and surgical treatment may be continued if, and so long as, such continuation is deemed necessary by the supervisor of industrial insurance to be necessary to his or her more complete recovery; in case of a permanent total disability not to extend beyond the date on which a lump sum settlement is made with him or her or he or she is placed upon the permanent pension roll: *Provided, however*, That the supervisor of industrial insurance, solely in his or her discretion, may authorize continued medical and surgical treatment for conditions previously accepted by the department when such medical and surgical treatment is deemed necessary by the supervisor of industrial insurance to protect such worker's life or provide for the administration of medical and therapeutic measures including payment of prescription

medications, but not including those controlled substances currently scheduled by the state board of pharmacy as Schedule I, II, III, or IV substances under chapter 69.50 RCW, which are necessary to alleviate continuing pain which results from the industrial injury. In order to authorize such continued treatment the written order of the supervisor of industrial insurance issued in advance of the continuation shall be necessary.

The supervisor of industrial insurance, the supervisor's designee, or a self-insurer, in his or her sole discretion, may authorize inoculation or other immunological treatment in cases in which a work-related activity has resulted in probable exposure of the worker to a potential infectious occupational disease. Authorization of such treatment does not bind the department or self-insurer in any adjudication of a claim by the same worker or the worker's beneficiary for an occupational disease. [1986 c 58 § 6; 1977 ex.s. c 350 § 56; 1975 1st ex.s. c 234 § 1; 1971 ex.s. c 289 § 50; 1965 ex.s. c 166 § 2; 1961 c 23 § 51.36.010. Prior: 1959 c 256 § 2; prior: 1943 c 186 § 2, part; 1923 c 136 § 9, part; 1921 c 182 § 11, part; 1919 c 129 § 2, part; 1917 c 28 § 5, part; Rem. Supp. 1943 § 7714, part.]

**Effective dates**—**Severability**—1971 ex.s. c 289: See RCW 51-98.060 and 51.98.070.

**51.36.100 Audits of health care providers authorized.** The legislature finds and declares it to be in the public interest of the residents of the state of Washington that a proper regulatory and inspection program be instituted in connection with the provision of medical, dental, vocational, and other health services to industrially injured workers pursuant to Title 51 RCW. In order to effectively accomplish such purpose and to assure that the industrially injured worker receives such services as are paid for by the state of Washington, the acceptance by the industrially injured worker of such services, and the request by a provider of services for reimbursement for providing such services, shall authorize the director of the department of labor and industries or the director's authorized representative to inspect and audit all records in connection with the provision of such services. [1986 c 200 § 1.]

**51.36.110 Audits of health care providers—Powers of department.** The director of the department of labor and industries or the director's authorized representative shall have the authority to:

(1) Conduct audits and investigations of providers of medical, dental, vocational, and other health services furnished to industrially injured workers pursuant to Title 51 RCW. In the conduct of such audits or investigations, the director or the director's authorized representatives may examine all records, or portions thereof, including patient records, for which services were rendered by a health services provider and reimbursed by the department, notwithstanding the provisions of any other statute which may make or purport to make such records privileged or confidential: *Provided*, That no original patient records shall be removed from the premises of the health services provider, and that the

disclosure of any records or information obtained under authority of this section by the department of labor and industries is prohibited and constitutes a violation of RCW 42.22.040, unless such disclosure is directly connected to the official duties of the department: *And provided further*, That the disclosure of patient information as required under this section shall not subject any physician or other health services provider to any liability for breach of any confidential relationships between the provider and the patient: *And provided further*, That the director or the director's authorized representative shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation, or proceedings;

(2) Approve or deny applications to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW; and

(3) Terminate or suspend eligibility to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW. [1986 c 200 § 2.]

## Chapter 51.48 PENALTIES

### Sections

51.48.030	Failure to keep records and make reports.
51.48.040	Inspection of employer's records.
51.48.103	Penalties for engaging in business without certificate of coverage.
51.48.110	Decedent having no beneficiaries—Payment into supplemental pension fund.
51.48.120	Notice of assessment for default in payments by employer—Issuance—Service—Contents.
51.48.150	Notice of assessment for default in payments by employer—Notice to withhold and deliver property due employer.
51.48.160	Revocation of certificate of coverage for failure to pay warrants or taxes.
51.48.170	Emergency assessment and collection of taxes.
51.48.180	Emergency assessment and collection of taxes—Distraint and sale of property.
51.48.190	Emergency assessment and collection of taxes—Distraint and sale of property—Conduct of sale.
51.48.200	Search and seizure of property to satisfy tax warrant or assessment—Issuance and execution of search warrant.
51.48.210	Delinquent taxes—Penalties.
51.48.220	Order of execution upon property—Procedure—Sale.
51.48.230	Order of execution upon property—Agents of department authorized to enforce.
51.48.240	Agents and employees of department not personally liable—Conditions.
51.48.250	Liability of persons wilfully obtaining erroneous payments—Civil penalties.
51.48.260	Liability of persons unintentionally obtaining erroneous payments.
51.48.270	Criminal liability of persons making false statements or concealing information.
51.48.280	Criminal liability for offering, soliciting, or receiving kickback, bribe, or rebate—Exceptions.
51.48.290	Director may require written verification by health services providers—Penalties.

**51.48.030 Failure to keep records and make reports.** Every employer who fails to keep and preserve the records required by this title or fails to make the reports

provided in this title shall be subject to a penalty determined by the director but not to exceed two hundred fifty dollars or two hundred percent of the quarterly tax for each such offense, whichever is greater. Any employer who fails to keep and preserve the records adequate to determine taxes due shall be forever barred from questioning, in an appeal before the board of industrial insurance appeals or the courts, the correctness of any assessment by the department based on any period for which such records have not been kept and preserved. [1986 c 9 § 8; 1985 c 347 § 4; 1982 c 63 § 21; 1971 ex.s. c 289 § 64; 1961 c 23 § 51.48.030. Prior: 1947 c 247 § 1(4d), part; Rem. Supp. 1947 § 7676d, part.]

**Effective dates—Implementation—1982 c 63:** See note following RCW 51.32.095.

**Effective dates—Severability—1971 ex.s. c 289:** See RCW 51.98.060 and 51.98.070.

**51.48.040 Inspection of employer's records.** The books, records and payrolls of the employer pertinent to the administration of this title shall always be open to inspection by the department or its traveling auditor, agent or assistant, for the purpose of ascertaining the correctness of the payroll, the persons employed, and such other information as may be necessary for the department and its management under this title. Refusal on the part of the employer to submit his books, records and payrolls for such inspection to the department, or any assistant presenting written authority from the director, shall subject the offending employer to a penalty determined by the director but not to exceed two hundred fifty dollars for each offense and the individual who personally gives such refusal shall be guilty of a misdemeanor. Any employer who fails to allow adequate inspection in accordance with the requirements of this section is subject to having its certificate of coverage revoked by order of the department and is forever barred from questioning in any proceeding in front of the board of industrial insurance appeals or any court, the correctness of any assessment by the department based on any period for which such records have not been produced for inspection. [1986 c 9 § 9; 1985 c 347 § 5; 1961 c 23 § 51.48.040. Prior: 1911 c 74 § 15, part; RRS § 7690, part.]

**51.48.103 Penalties for engaging in business without certificate of coverage.** (1) It is unlawful:

(a) For any employer to engage in business subject to this title without having obtained a certificate of coverage as provided for in this title;

(b) For the president, vice-president, secretary, treasurer, or other officer of any company to cause or permit the company to engage in business subject to this title without having obtained a certificate of coverage as provided for in this title.

Any person violating any of the provisions of this subsection is guilty of a gross misdemeanor punishable under RCW 9A.20.021.

(2) It is unlawful:

(a) For any employer to engage in business subject to this title after the employer's certificate of coverage has been revoked by order of the department;

(b) For the president, vice-president, secretary, treasurer, or other officer of any company to cause or permit the company to engage in business subject to this title after revocation of a certificate of coverage.

Any person violating any of the provisions of this subsection is guilty of a class C felony punishable under RCW 9A.20.021. [1986 c 9 § 12.]

**51.48.110 Decedent having no beneficiaries—**  
**Payment into supplemental pension fund.** Where death results from the injury or occupational disease and the deceased leaves no beneficiaries, a self-insurer shall pay into the supplemental pension fund the sum of ten thousand dollars. [1986 c 56 § 1; 1971 ex.s. c 289 § 65.]

**Effective dates—Severability—**1971 ex.s. c 289: See RCW 51.98.060 and 51.98.070.

**51.48.120 Notice of assessment for default in payments by employer—Issuance—Service—Contents.** If any employer should default in any payment due to the state fund the director or the director's designee may issue a notice of assessment certifying the amount due, which notice shall be served upon the employer by mailing such notice to the employer by certified mail to the employer's last known address, accompanied by an affidavit of service by mailing, or served in the manner prescribed for the service of a summons in a civil action. Such notice shall contain the information that an appeal must be filed with the board of industrial insurance appeals and the director by mail or personally within thirty days of the date of service of the notice of assessment in order to appeal the assessment unless a written request for reconsideration is filed with the department of labor and industries. [1986 c 9 § 10; 1985 c 315 § 6; 1972 ex.s. c 43 § 32.]

**51.48.150 Notice of assessment for default in payments by employer—Notice to withhold and deliver property due employer.** The director or the director's designee is hereby authorized to issue to any person, firm, corporation, municipal corporation, political subdivision of the state, a public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind whatsoever when he or she has reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or any agency of the state, property which is or shall become due, owing, or belonging to any employer upon whom a notice of assessment has been served by the department for payments due to the state fund. The effect of a notice and order to withhold and deliver shall be continuous from the date such notice and order to withhold and deliver is first made until the liability out of which such notice and order to withhold and deliver arose is satisfied or becomes unenforceable because of lapse of time. The department shall release the notice and order to withhold and deliver when the liability out of which the

notice and order to withhold and deliver arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the person against whom the notice and order to withhold and deliver was made that such notice and order to withhold and deliver has been released.

The notice and order to withhold and deliver shall be served by the sheriff of the county or by the sheriff's deputy, or by any duly authorized representatives of the director. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation or any agency of the state upon whom service has been made is hereby required to answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with a notice and order to withhold and deliver, any property which may be subject to the claim of the department, such property shall be delivered forthwith to the director or the director's duly authorized representative upon service of the notice to withhold and deliver which will be held in trust by the director for application on the employer's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review, or in the alternative such party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. Should any party served and named in the notice to withhold and deliver fail to make answer to such notice and order to withhold and deliver, within the time prescribed herein, it shall be lawful for the court, after the time to answer such order has expired, to render judgment by default against the party named in the notice to withhold and deliver for the full amount claimed by the director in the notice to withhold and deliver together with costs. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, then the employer shall be entitled to assert in the answer to all exemptions provided for by chapter 7.33 RCW to which the wage earner may be entitled. [1986 c 9 § 11; 1972 ex.s. c 43 § 35.]

**51.48.160 Revocation of certificate of coverage for failure to pay warrants or taxes.** If any warrant issued under this title is not paid within thirty days after it has been filed with the clerk of the superior court, or if any employer is delinquent, for three consecutive reporting periods, in the transmission to the department of taxes due, the department may, by order issued under its official seal, revoke the certificate of coverage of the employer against whom the warrant was issued; and if the order is entered, a copy thereof shall be posted in a conspicuous place at the main entrance to the employer's place of business and shall remain posted until such time as the warrant has been paid. Any certificate so revoked shall not be reinstated, nor shall a new certificate of coverage be issued to the employer, until the amount due on the warrant has been paid, or provisions for payment satisfactory to the department have been entered, and



until the taxpayer has deposited with the department such security for payment of any taxes, increases, and penalties, due or which may become due in an amount and under such terms and conditions as the department may require, but the amount of the security shall not be greater than one-half the estimated average annual taxes of the employer. [1986 c 9 § 13.]

**51.48.170 Emergency assessment and collection of taxes.** If the director or the director's designee has reason to believe that an employer is insolvent or about to cease business, leave the state, or remove or dissipate assets out of which taxes or penalties might be satisfied, and the collection of any taxes accrued will be jeopardized by delaying collection, the director or the director's designee may make an immediate assessment thereof and may proceed to enforce collection immediately under the terms of RCW 51.48.180 and 51.48.190, but interest and penalties shall not begin to accrue upon any taxes until the date when such taxes would normally have become delinquent. [1986 c 9 § 14.]

**51.48.180 Emergency assessment and collection of taxes—Distrain and sale of property.** If the amount of taxes, interest, or penalties assessed by the director or the director's designee by order and notice of assessment pursuant to RCW 51.48.170 is not paid within ten days after the service or mailing of the order and notice of assessment, the director or the director's designee may collect the amount stated in said assessment by the distraint, seizure, and sale of the property, goods, chattels, and effects of the delinquent employer. There shall be exempt from distraint and sale under this section such goods and property as are exempt from execution under the laws of this state. [1986 c 9 § 15.]

**51.48.190 Emergency assessment and collection of taxes—Distrain and sale of property—Conduct of sale.** The director or the director's designee, upon making a distraint pursuant to RCW 51.48.170 and 51.48.180, shall seize the property and shall make an inventory of the property distrained, a copy of which shall be mailed to the owner of such property or personally delivered to the owner, and shall specify the time and place when the property shall be sold. A notice specifying the property to be sold and the time and place of sale shall be posted in at least two public places in the county wherein the seizure has been made. The time of sale shall be not less than twenty days from the date of posting of such notices. The sale may be adjourned from time to time at the discretion of the director or the director's designee, but not for a time to exceed in all sixty days. No sale shall take place if an appeal is pending. The sale shall be conducted by the director or the director's designee who shall proceed to sell such property by parcel or by lot at a public auction, and who may set a minimum price to include the expenses of making a levy and of advertising the sale, and if the amount bid for such property at the sale is not equal to the minimum price so fixed, the director or the director's designee may declare such property to be purchased by the department

for such minimum price. In such event the delinquent account shall be credited with the amount for which the property has been sold. Property acquired by the department as herein prescribed may be sold by the director or the director's designee at public or private sale, and the amount realized shall be placed in the state of Washington industrial insurance fund.

In all cases of sale, as aforesaid, the director or the director's designee shall issue a bill of sale or a deed to the purchaser and the bill of sale or deed shall be prima facie evidence of the right of the director or the director's designee to make such sale and conclusive evidence of the regularity of the proceeding in making the sale, and shall transfer to the purchaser all right, title, and interest of the delinquent employer in said property. The proceeds of any such sale, except in those cases wherein the property has been acquired by the department, shall be first applied by the director or the director's designee in satisfaction of the delinquent account, and out of any sum received in excess of the amount of delinquent taxes, interest, and penalties the industrial insurance fund shall be reimbursed for the costs of distraint and sale. Any excess which shall thereafter remain in the hands of the director or the director's designee shall be refunded to the delinquent employer. Sums so refundable to a delinquent employer may be subject to seizure or distraint in the hands of the director or the director's designee by any other taxing authority of the state or its political subdivisions. [1986 c 9 § 16.]

**51.48.200 Search and seizure of property to satisfy tax warrant or assessment—Issuance and execution of search warrant.** (1) When there is probable cause to believe that there is property within this state not otherwise exempt from process or execution in the possession or control of any employer against whom a tax warrant issued under RCW 51.48.140 has been filed which remains unsatisfied, or an assessment issued pursuant to RCW 51.48.170, any judge of the superior court or district court in the county in which such property is located may, upon the request of the sheriff or agent of the department authorized to collect taxes, issue a warrant directed to the officers commanding the search for and seizure of the property described in the request for warrant.

(2) The procedure for the issuance, and execution and return of the warrant authorized by this section and for return of any property seized shall be the criminal rules of the superior court and the district court.

(3) The sheriff or agent of the department shall levy execution upon property seized under this section as provided in RCW 51.48.220 and 51.48.230.

(4) This section does not require the application for or issuance of any warrant not otherwise required by law. [1986 c 9 § 17.]

**51.48.210 Delinquent taxes—Penalties.** If payment of any tax due is not received by the department by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received within thirty days after the due date, there shall

be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added may be less than ten dollars. If a warrant is issued by the department for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than five dollars nor greater than one hundred dollars. Warrants shall earn interest at the rate of one percent of the amount of such warrant per month or fraction thereof from and after the date of entry of such warrant. [1986 c 9 § 18.]

**51.48.220 Order of execution upon property—Procedure—Sale.** The department may issue an order of execution, pursuant to a filed warrant, under its official seal directed to the sheriff of the county in which the warrant has been filed, commanding the sheriff to levy upon and sell the real and/or personal property of the taxpayer found within the county, or so much thereof as may be necessary, for the payment of the amount of the warrant, plus the cost of executing the warrant, and return the warrant to the department and pay to it the money collected by virtue thereof within sixty days after the receipt of the warrant. The sheriff shall thereupon proceed upon the same in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgments of the superior court.

The sheriff shall be entitled to fees as provided by law for services in levying execution on a superior court judgment and the clerk shall be entitled to a filing fee as provided by law, which shall be added to the amount of the warrant.

The proceeds received from any sale shall be credited upon the amount due under the warrant and when the final amount due is received, together with interest, penalties, and costs, the judgment docket shall show the claim for taxes to be satisfied and the clerk of the court shall so note upon the docket. Any surplus received from any sale of property shall be paid to the taxpayer or to any lien holder entitled thereto. If the return on the warrant shows that the same has not been satisfied in full, the amount of the deficiency shall remain the same as a judgment against the taxpayer which may be collected in the same manner as the original amount of the warrant. [1986 c 9 § 21.]

**51.48.230 Order of execution upon property—Agents of department authorized to enforce.** In the discretion of the department, an order of execution of like terms, force, and effect may be issued and directed to any agent of the department authorized to collect taxes, and in the execution thereof such agent shall have all the powers conferred by law upon sheriffs, but shall not be entitled to any fee or compensation in excess of the actual expenses paid in the performance of such duty, which shall be added to the amount of the warrant. [1986 c 9 § 22.]

**51.48.240 Agents and employees of department not personally liable—Conditions.** When recovery is had in any suit or proceeding against an officer, agent, or employee of the department for any act done by that person or for the recovery of any money exacted by or paid to that person and by that person paid over to the department, in the performance of the person's official duty, and the court certifies that there was probable cause for the act done by such officer, agent, or employee, or that he or she acted under the direction of the department or an officer thereof, no execution shall issue against such officer, agent, or employee, but the amount so recovered shall, upon final judgment, be paid by the department as an expense of operation. [1986 c 9 § 23.]

**51.48.250 Liability of persons wilfully obtaining erroneous payments—Civil penalties.** (1) No person, firm, corporation, partnership, association, agency, institution, or other legal entity, but not including an industrially injured recipient of health service, shall, on behalf of himself or others, obtain or attempt to obtain payments under this chapter in a greater amount than that to which entitled by means of:

- (a) A wilful false statement;
- (b) Wilful misrepresentation, or by concealment of any material facts; or
- (c) Other fraudulent scheme or device, including, but not limited to:
  - (i) Billing for services, drugs, supplies, or equipment that were not furnished, of lower quality, or a substitution or misrepresentation of items billed; or
  - (ii) Repeated billing for purportedly covered items, which were not in fact so covered.

(2) Any person, firm, corporation, partnership, association, agency, institution, or other legal entity knowingly violating any of the provisions of subsection (1) of this section shall be liable for repayment of any excess payments received, plus interest on the amount of the excess benefits or payments at the rate of one percent each month for the period from the date upon which payment was made to the date upon which repayment is made to the state. Such person or other entity shall further, in addition to any other penalties provided by law, be subject to civil penalties. The director of the department of labor and industries may assess civil penalties in an amount not to exceed the greater of one thousand dollars or three times the amount of such excess benefits or payments: *Provided*, That these civil penalties shall not apply to any acts or omissions occurring prior to April 1, 1986.

(3) A criminal action need not be brought against a person, firm, corporation, partnership, association, agency, institution, or other legal entity for that person or entity to be civilly liable under this section.

(4) Civil penalties shall be deposited in the general fund upon their receipt. [1986 c 200 § 4.]

**51.48.260 Liability of persons unintentionally obtaining erroneous payments.** Any person, firm, corporation,

partnership, association, agency, institution, or other legal entity, but not including an industrially injured recipient of health services, that, without intent to violate this chapter, obtains payments under Title 51 RCW to which such person or entity is not entitled, shall be liable for: (1) Any excess payments received; and (2) interest on the amount of excess payments at the rate of one percent each month for the period from the date upon which payment was made to the date upon which repayment is made to the state. [1986 c 200 § 3.]

**51.48.270 Criminal liability of persons making false statements or concealing information.** Any person, firm, corporation, partnership, association, agency, institution, or other legal entity, that:

(1) Knowingly makes or causes to be made any false statement or representation of a material fact in any application for any payment under this title; or

(2) At any time knowingly makes or causes to be made any false statement or representation of a material fact for use in determining rights to such payment, or knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact in connection with such application or payment; or

(3) Having knowledge of the occurrence of any event affecting (a) the initial or continued right to any payment, or (b) the initial or continued right to any such payment of any other individual in whose behalf he or she has applied for or is receiving such payment, conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount or quantity than is due or when no such payment is authorized;

shall be guilty of a class C felony: *Provided*, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030. [1986 c 200 § 5.]

**51.48.280 Criminal liability for offering, soliciting, or receiving kickback, bribe, or rebate—Exceptions.** (1) Any person, firm, corporation, partnership, association, agency, institution, or other legal entity, that solicits or receives any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind:

(a) In return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under this chapter; or

(b) In return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any goods, facility, service, or item for which payment may be made in whole or in part under this chapter;

shall be guilty of a class C felony: *Provided*, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

(2) Any person, firm, corporation, partnership, association, agency, institution, or other legal entity, that offers or pays any remuneration (including any kickback,

bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind to any person to induce such person:

(a) To refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made, in whole or in part, under this chapter; or

(b) To purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any goods, facility, service, or item for which payment may be made in whole or in part under this chapter; shall be guilty of a class C felony: *Provided*, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

(3) Subsections (1) and (2) of this section shall not apply to:

(a) A discount or other reduction in price obtained by a provider of services or other entity under this chapter if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or entity under this chapter; and

(b) Any amount paid by an employer to an employee (who has a bona fide employment relationship with such employer) for employment in the provision of covered items or services.

(4) Subsections (1) and (2) of this section, if applicable to the conduct involved, shall supersede the criminal provisions of chapter 19.68 RCW, but shall not preclude administrative proceedings authorized by chapter 19.68 RCW. [1986 c 200 § 6.]

**51.48.290 Director may require written verification by health services providers—Penalties.** The director of the department of labor and industries may by rule require that any application, statement, or form filled out by any health services provider under this title shall contain or be verified by a written statement that it is made under the penalties of perjury and such declaration shall be in lieu of any oath otherwise required, and each such paper shall in such event so state. The making or subscribing of any such papers or forms containing any false or misleading information may be prosecuted and punished under chapter 9A.72 RCW. [1986 c 200 § 7.]

**Chapter 51.52  
APPEALS**

Sections	
51.52.050	Copy of departmental action to be served—Demand for repayment by service provider—Reconsideration or appeal of departmental action.
51.52.060	Notice of appeal—Time—Cross-appeal—Department may modify, reverse, etc.—Denial of appeal without prejudice.
51.52.095	Conference for disposal of matters involved in appeal—Mediation of disputes.
51.52.112	Court appeal—Payment of taxes, penalties, and interest required.
51.52.113	Collection of tax or penalty may not be enjoined.

**51.52.050 Copy of departmental action to be served—Demand for repayment by service provider—Reconsideration or appeal of departmental action.** Whenever the department has made any order, decision, or award, it shall promptly serve the worker, beneficiary, employer, or other person affected thereby, with a copy thereof by mail, which shall be addressed to such person at his or her last known address as shown by the records of the department. The copy, in case the same is a final order, decision, or award, shall bear on the same side of the same page on which is found the amount of the award, a statement, set in black faced type of at least ten point body or size, that such final order, decision, or award shall become final within sixty days from the date the order is communicated to the parties unless a written request for reconsideration is filed with the department of labor and industries, Olympia, or an appeal is filed with the board of industrial insurance appeals, Olympia: *Provided*, That a department order or decision making demand, whether with or without penalty, for repayment of sums paid to a provider of medical, dental, vocational, or other health services rendered to an industrially injured worker, shall state that such order or decision shall become final within twenty days from the date the order or decision is communicated to the parties unless a written request for reconsideration is filed with the department of labor and industries, Olympia, or an appeal is filed with the board of industrial insurance appeals, Olympia.

Whenever the department has taken any action or made any decision relating to any phase of the administration of this title the worker, beneficiary, employer, or other person aggrieved thereby may request reconsideration of the department, or may appeal to the board. In an appeal before the board, the appellant shall have the burden of proceeding with the evidence to establish a prima facie case for the relief sought in such appeal. Any such person aggrieved by the decision and order of the board may thereafter appeal to the superior court, as prescribed in this chapter. [1986 c 200 § 10; 1985 c 315 § 9; 1982 c 109 § 4; 1977 ex.s. c 350 § 75; 1975 1st ex.s. c 58 § 1; 1961 c 23 § 51.52.050. Prior: 1957 c 70 § 55; 1951 c 225 § 5; prior: (i) 1947 c 281 § 1, part; 1943 c 210 § 1, part; 1939 c 41 § 1, part; 1937 c 211 § 1, part; 1927 c 310 § 1, part; 1921 c 182 § 1, part; 1919 c 131 § 1, part; 1911 c 74 § 2, part; Rem. Supp. 1947 § 7674, part. (ii) 1947 c 247 § 1, part; 1911 c 74 § 20, part; Rem. Supp. 1947 § 7676e, part. (iii) 1949 c 219 § 6, part; 1943 c 280 § 1, part; 1931 c 90 § 1, part; 1929 c 132 § 6, part; 1927 c 310 § 8, part; 1911 c 74 § 20, part; Rem. Supp. 1949 § 7697, part. (iv) 1923 c 136 § 7, part; 1921 c 182 § 10, part; 1917 c 29 § 3, part; RRS § 7712, part. (v) 1917 c 29 § 11; RRS § 7720. (vi) 1939 c 50 § 1, part; 1927 c 310 § 9, part; 1921 c 182 § 12, part; 1919 c 129 § 5, part; 1917 c 28 § 15, part; RRS § 7724, part.]

**51.52.060 Notice of appeal—Time—Cross-appeal—Department may modify, reverse, etc.—Denial of appeal without prejudice.** Any worker, beneficiary, employer, or other person aggrieved by an

order, decision, or award of the department must, before he or she appeals to the courts, file with the board and the director, by mail or personally, within sixty days from the day on which such copy of such order, decision, or award was communicated to such person, a notice of appeal to the board: *Provided*, That a health services provider or other person aggrieved by a department order or decision making demand, whether with or without penalty, for repayment of sums paid to a provider of medical, dental, vocational, or other health services rendered to an industrially injured worker must, before he or she appeals to the courts, file with the board and the director, by mail or personally, within twenty days from the day on which such copy of such order or decision was communicated to the health services provider upon whom the department order or decision was served, a notice of appeal to the board. Within ten days of the date on which an appeal has been granted by the board, the board shall notify the other interested parties thereto of the receipt thereof and shall forward a copy of said notice of appeal to such other interested parties. Within twenty days of the receipt of such notice of the board, the worker or the employer may file with the board a cross-appeal from the order of the department from which the original appeal was taken: *Provided*, That nothing contained in this section shall be deemed to change, alter or modify the practice or procedure of the department for the payment of awards pending appeal: *And provided*, That failure to file notice of appeal with both the board and the department shall not be ground for denying the appeal if the notice of appeal is filed with either the board or the department: *And provided*, That, if within the time limited for filing a notice of appeal to the board from an order, decision, or award of the department, the department shall direct the submission of further evidence or the investigation of any further fact, the time for filing such notice of appeal shall not commence to run until such person shall have been advised in writing of the final decision of the department in the matter: *Provided, further*, That in the event the department shall direct the submission of further evidence or the investigation of any further fact, as above provided, the department shall render a final order, decision, or award within ninety days from the date such further submission of evidence or investigation of further fact is ordered which time period may be extended by the department for good cause stated in writing to all interested parties for an additional ninety days: *Provided, further*, That the department, either within the time limited for appeal, or within thirty days after receiving a notice of appeal, may modify, reverse or change any order, decision, or award, or may hold any such order, decision, or award in abeyance for a period of ninety days which time period may be extended by the department for good cause stated in writing to all interested parties for an additional ninety days pending further investigation in light of the allegations of the notice of appeal, and the board shall thereupon deny the appeal, without prejudice to the appellant's right to appeal from any subsequent determinative order issued by the department. [1986 c 200 § 11; 1977 ex.s. c 350 § 76;

1975 1st ex.s. c 58 § 2; 1963 c 148 § 1; 1961 c 274 § 8; 1961 c 23 § 51.52.060. Prior: 1957 c 70 § 56; 1951 c 225 § 6; prior: 1949 c 219 §§ 1, part, 6, part; 1947 c 246 § 1, part; 1943 c 280 § 1, part; 1931 c 90 § 1, part; 1929 c 132 §§ 2, part, 6, part; 1927 c 310 §§ 4, part, 8, part; 1923 c 136 § 2, part; 1919 c 134 § 4, part; 1917 c 28 § 1, part; 1913 c 148 § 1, part; 1911 c 74 §§ 5, part, 20, part; Rem Supp. 1949 §§ 7679, part, 7697, part.]

**51.52.095 Conference for disposal of matters involved in appeal—Mediation of disputes.** (1) The board, upon request of the worker, beneficiary, or employer, or upon its own motion, may direct all parties interested in an appeal, together with their attorneys, if any, to appear before it, a member of the board, or an authorized industrial appeals judge, for a conference for the purpose of determining the feasibility of settlement, the simplification of issues of law and fact, the necessity of amendments to the notice of appeal or other pleadings, the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, the limitation of the number of expert witnesses, and such other matters as may aid in the disposition of the appeal. Such conference may be held prior to the hearing, or it may be held during the hearing, at the discretion of the board member or industrial appeals judge conducting the same, in which case the hearing will be recessed for such conference. Following the conference, the board member or industrial appeals judge conducting the same, shall state on the record the results of such conference, and the parties present or their representatives shall state their concurrence on the record. Such agreement as stated on the record shall control the subsequent course of the proceedings, unless modified at a subsequent hearing to prevent manifest injustice. If agreement concerning final disposition of the appeal is reached by the parties present at the conference, or by the employer and worker or beneficiary, the board may enter a final decision and order in accordance therewith, providing the board finds such agreement is in conformity with the law and the facts.

(2) In order to carry out subsection (1) of this section, the board shall develop expertise to mediate disputes informally. Where possible, industrial appeals judges with a demonstrated history of successfully resolving disputes or who have received training in dispute resolution techniques shall be appointed to perform mediation functions. No industrial appeals judge who mediates in a particular appeal may, without the consent of the parties, participate in writing the proposed decision and order in the appeal: *Provided*, That this shall not prevent an industrial appeals judge from issuing a proposed decision and order responsive to a motion for summary disposition or similar motion. This section shall not operate to prevent the board from developing additional methods and procedures to encourage resolution of disputes by agreement or otherwise making efforts to reduce adjudication time. [1986 c 10 § 1; 1985 c 209 § 2; 1982 c 109 § 7; 1977 ex.s. c 350 § 78; 1963 c 148 § 3; 1963 c 6 § 1; 1961 c 23 § 51.52.095. Prior: 1951 c 225 § 10.]

**51.52.112 Court appeal—Payment of taxes, penalties, and interest required.** All taxes, penalties, and interest shall be paid in full before any action may be instituted in any court to contest all or any part of such taxes, penalties, or interest unless the court determines that there would be an undue hardship to the employer. In the event an employer prevails in a court action, the employer shall be allowed interest on all taxes, penalties, and interest paid by the employer but determined by a final order of the court to not be due, from the date such taxes, penalties, and interest were paid. Interest shall be at the rate allowed by law as prejudgment interest. [1986 c 9 § 19.]

**51.52.113 Collection of tax or penalty may not be enjoined.** No restraining order or injunction may be granted or issued by any court to restrain or enjoin the collection of any tax or penalty or any part thereof, except upon the ground that the assessment thereof was in violation of the Constitution of the United States or that of the state. [1986 c 9 § 20.]

## Title 52

### FIRE PROTECTION DISTRICTS

#### Chapters

- 52.04** Annexation.
- 52.06** Merger.
- 52.08** Withdrawal.
- 52.12** Powers—Burning permits.
- 52.14** Commissioners.
- 52.18** Service charges.
- 52.20** Local improvement districts.

#### Chapter 52.04 ANNEXATION

##### Sections

- 52.04.111 Annexation of city or town—Transfer of employees.
- 52.04.121 Annexation of city or town—Transfer of employees—Rights and benefits.
- 52.04.131 Annexation of city or town—Transfer of employees—Notice—Time limitation.

**52.04.111 Annexation of city or town—Transfer of employees.** When any city, code city or town is annexed to a fire protection district under RCW 52.04.061 and 52.04.071, any employee of the fire department of such city, code city or town who (1) was at the time of annexation employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the fire protection district (2) will, as a direct consequence of annexation, be separated from the employ of the city, code city or town, and (3) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer his employment to the fire protection district as provided in this section and RCW 52.04.121 and 52.04.131.

For purposes of this section and RCW 52.04.121 and 52.04.131, employee means an individual whose employment with a city, code city or town has been terminated because the city, code city or town was annexed by a fire protection district for purposes of fire protection. [1986 c 254 § 10.]

**52.04.121 Annexation of city or town—Transfer of employees—Rights and benefits.** (1) An eligible employee may transfer into the fire protection district civil service system, if any, or if none, then may request transfer of employment under this section by filing a written request with the board of fire commissioners of the fire protection district and by giving written notice to the legislative authority of the city, code city or town. Upon receipt of such request by the board of fire commissioners the transfer of employment shall be made. The employee so transferring will (a) be on probation for the same period as are new employees of the fire protection district in the position filled, (b) be eligible for promotion after completion of the probationary period as completed, (c) receive a salary at least equal to that of other new employees of the fire protection district in the position filled, and (d) in all other matters, such as retirement, vacation, and sick leave, have all the rights, benefits, and privileges to which he or she would have been entitled as an employee of the fire protection district from the beginning of employment with the city, code city or town fire department: *Provided*, That for purposes of layoffs by the annexing fire agency, only the time of service accrued with the annexing agency shall apply unless an agreement is reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies. The city, code city or town shall, upon receipt of such notice, transmit to the board of fire commissioners a record of the employee's service with the city, code city or town which shall be credited to such employee as a part of the period of employment in the fire protection district. All accrued benefits are transferable provided that the recipient agency provides comparable benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.

(2) As many of the transferring employees shall be placed upon the payroll of the fire protection district as the district determines are needed to provide services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided in this section and RCW 52.04.111 and 52.04.131 shall head the list for employment in the civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the fire protection district when appropriate positions become available: *Provided*, That employees who are not immediately hired by the fire protection district shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the annexing and annexed

fire agencies and the annexing and annexed fire agencies. [1986 c 254 § 11.]

**52.04.131 Annexation of city or town—Transfer of employees—Notice—Time limitation.** When a city, code city or town is annexed to a fire protection district and as a result any employee is laid off who is eligible to transfer to the fire protection district pursuant to this section and RCW 52.04.111 and 52.04.121, the city, code city or town shall notify the employee of the right to transfer and the employee shall have ninety days to transfer employment to the fire protection district. [1986 c 254 § 12.]

## Chapter 52.06 MERGER

### Sections

52.06.110	Transfer of employees.
52.06.120	Transfer of employees—Rights and benefits.
52.06.130	Transfer of employees—Notice—Time limitation.

**52.06.110 Transfer of employees.** When any portion of a fire protection district merges with another fire protection district, any employee of the merging district who (1) was at the time of merger employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the merger district (2) will, as a direct consequence of the merger, be separated from the employ of the merging district, and (3) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer employment to the merger district as provided in this section and RCW 52.06.120 and 52.06.130.

For purposes of this section and RCW 52.06.120 and 52.06.130, employee means an individual whose employment with a fire protection district has been terminated because the fire protection district merged with another fire protection district for purposes of fire protection. [1986 c 254 § 13.]

**52.06.120 Transfer of employees—Rights and benefits.** (1) An eligible employee may transfer into the merger district by filing a written request with the board of fire commissioners of the merger district and by giving written notice to the board of fire commissioners of the merging district. Upon receipt of such request by the board of the merger district the transfer of employment shall be made. The employee so transferring will (a) be on probation for the same period as are new employees of the merger district in the position filled, (b) be eligible for promotion after completion of the probationary period as completed, (c) receive a salary at least equal to that of other new employees of the merger district in the position filled, and (d) in all other matters, such as retirement, vacation, and sick leave, have, all the rights, benefits, and privileges to which he or she would have been entitled to as an employee of the merger district from the beginning of employment with the merging district: *Provided*, That for purposes of layoffs by the

merger fire agency, only the time of service accrued with the merger agency shall apply unless an agreement is reached between the collective bargaining representatives of the employees of the merging and merger fire agencies and the merging and merger fire agencies. The board of the merging district shall, upon receipt of such notice, transmit to the board of the merger district a record of the employee's service with the merging district which shall be credited to such employee as a part of the period of employment in the merger district. All accrued benefits are transferable provided that the recipient agency provides comparable benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.

(2) As many of the transferring employees shall be placed upon the payroll of the merger district as the merger district determines are needed to provide services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided in this section and RCW 52.06.110 and 52.06.130 shall head the list for employment in order of their seniority, to the end that they shall be the first to be reemployed in the merger district when appropriate positions become available: *Provided*, That employees who are not immediately hired by the fire protection district shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the merging and merged fire agencies and the merging and merged fire agencies. [1986 c 254 § 14.]

**52.06.130 Transfer of employees—Notice—Time limitation.** If, as a result of merging of districts any employee is laid off who is eligible to transfer to the merger district under this section and RCW 52.06.110 and 52.06.120, the merging district shall notify the employee of the right to transfer and the employee shall have ninety days to transfer employment to the merger district. [1986 c 254 § 15.]

### Chapter 52.08 WITHDRAWAL

#### Sections

52.08.025 City may not be included within district—Withdrawal of city.

**52.08.025 City may not be included within district—Withdrawal of city.** Effective January 1, 1960, every city or town, or portion thereof, which is situated within the boundaries of a fire protection district shall become automatically removed from such fire protection district, and no fire protection district shall thereafter include any city or town, or portion thereof, within its boundaries except as provided for in RCW 52.02.020, 52.04.061, 52.04.071, 52.04.081, and 52.04.101.

However, if the area which incorporates or is annexed includes all of a fire protection district, the fire protection district, for purposes of imposing regular property

taxes, shall continue in existence until the first day of January in the year in which the initial property tax collections of the newly incorporated city or town will be made or until the first day of January in the year the annexing city or town will collect its property taxes imposed on the newly annexed area. The members of the city or town council or commission shall act as the board of commissioners to impose, receive, and expend these property taxes. [1986 c 234 § 35; 1985 c 7 § 119; 1979 ex.s. c 179 § 6; 1959 c 237 § 6. Formerly RCW 52.22.030.]

### Chapter 52.12

### POWERS—BURNING PERMITS

#### Sections

52.12.031 Specific powers—Acquisition or lease of property or equipment—Contracts—Association of districts—Group life insurance—Building inspections—Fire investigations.

52.12.125 Reimbursement for fire suppression costs on state lands—Limitations.

52.12.140 Hazardous materials response teams.

**52.12.031 Specific powers—Acquisition or lease of property or equipment—Contracts—Association of districts—Group life insurance—Building inspections—Fire investigations.** Any fire protection district organized under this title may:

(1) Lease, acquire, own, maintain, operate, and provide fire and emergency medical apparatus and all other necessary or proper facilities, machinery, and equipment for the prevention and suppression of fires, the providing of emergency medical services and the protection of life and property;

(2) Lease, acquire, own, maintain, and operate real property, improvements, and fixtures for housing, repairing, and maintaining the apparatus, facilities, machinery, and equipment described in subsection (1) of this section;

(3) Contract with any governmental entity or private person or entity to consolidate, provide, or cooperate for fire prevention protection, fire suppression, and emergency medical purposes. In so contracting, the district or governmental entity is deemed for all purposes to be acting within its governmental capacity. This contracting authority includes the furnishing of fire prevention, fire suppression, emergency medical services, facilities, and equipment to or by the district, governmental entity, or private person or entity;

(4) Encourage uniformity and coordination of fire protection district operations. The fire commissioners of fire protection districts may form an association to secure information of value in suppressing and preventing fires and other district purposes, to hold and attend meetings, and to promote more economical and efficient operation of the associated fire protection districts. The commissioners of fire protection districts in the association shall adopt articles of association or articles of incorporation for a nonprofit corporation, select a

chairman, secretary, and other officers as they may determine, and may employ and discharge agents and employees as the officers deem convenient to carry out the purposes of the association. The expenses of the association may be paid from funds paid into the association by fire protection districts: *Provided*, That the aggregate contributions made to the association by a district in a calendar year shall not exceed two and one-half cents per thousand dollars of assessed valuation;

(5) Enter into contracts to provide group life insurance for the benefit of the personnel of the fire districts;

(6) Perform building and property inspections that the district deems necessary to provide fire prevention services and pre-fire planning within the district and any area that the district serves by contract in accordance with RCW 19.27.110: *Provided*, That codes used by the district for building and property inspections shall be limited to the applicable codes adopted by the state, county, city, or town that has jurisdiction over the area in which the property is located. A copy of inspection reports prepared by the district shall be furnished by the district to the appropriate state, county, city, or town that has jurisdiction over the area in which the property is located: *Provided*, That nothing in this subsection shall be construed to grant code enforcement authority to a district. This subsection shall not be construed as imposing liability on any governmental jurisdiction;

(7) Determine the origin and cause of fires occurring within the district and any area the district serves by contract. In exercising the authority conferred by this subsection, the fire protection district and its authorized representatives shall comply with the provisions of RCW 48.48.060;

(8) Perform acts consistent with this title and not otherwise prohibited by law. [1986 c 311 § 1; 1984 c 238 § 1; 1973 1st ex.s. c 195 § 48; 1963 c 101 § 1; 1959 c 237 § 2; 1947 c 254 § 6; 1941 c 70 § 4; 1939 c 34 § 20; Rem. Supp. 1947 § 5654-120. Formerly RCW 52.08.030.]

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

*Use of city fire apparatus beyond city limits: RCW 35.84.040.*

**52.12.125 Reimbursement for fire suppression costs on state lands—Limitations.** Fire protection districts in proximity to land protected by a state agency are encouraged to enter into mutually beneficial contracts covering reciprocal response arrangements. In the absence of such a contractual agreement, a fire protection district that takes immediate action on such land outside of its jurisdictional boundaries, if such immediate response could prevent the spread of the fire onto lands protected by the district, shall be reimbursed by the state agency for its reasonable fire suppression costs that are incurred until the responsible agency takes charge, but in no event shall the costs exceed a twenty-four hour period. A fire protection district suppressing a fire on such lands shall as soon as practicable notify the responsible agency. The state agency shall not be responsible to pay such reimbursement if it is not so notified.

Reasonable efforts shall be taken to protect evidence of the fire's origin. The state agency shall not be responsible to pay such reimbursement if reasonable efforts are not taken to protect such evidence.

Requests for reimbursement shall be submitted within thirty days of the complete suppression of the fire. Reasonable costs submitted for reimbursement include all salaries and expenses of personnel, equipment, and supplies and shall take into consideration the amount of compensation, if any, paid by the fire protection district to its fire fighters. [1986 c 311 § 2.]

**52.12.140 Hazardous materials response teams.** Fire protection districts may cooperate and participate with counties, cities, or towns in providing hazardous materials response teams under the county, city, or town emergency management plan provided for in RCW 38.52.070. The participation and cooperation shall be pursuant to an agreement or contract entered into under chapter 39.34 RCW. [1986 c 278 § 49.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

## Chapter 52.14 COMMISSIONERS

### Sections

52.14.070 Oath of office.

**52.14.070 Oath of office.** Before beginning the duties of office, each fire commissioner shall take and subscribe the official oath for the faithful discharge of the duties of office as required by RCW 29.01.135, which oath shall be filed in the office of the auditor of the county in which the district is situated. [1986 c 167 § 22; 1984 c 230 § 34; 1939 c 34 § 29; RRS § 5654-129. Formerly RCW 52.12.070.]

**Severability—1986 c 167:** See note following RCW 29.01.055.

## Chapter 52.18 SERVICE CHARGES

### Sections

52.18.030 Resolution establishing service charges—Contents—Listing—Collection.

**52.18.030 Resolution establishing service charges—Contents—Listing—Collection.** The resolution establishing service charges as specified in RCW 52.18.010, shall specify, by legal geographical areas or other specific designation, the rate to apply to each property by location or other designation, and such other information as is deemed necessary to the proper computation of the service charge to be charged to each property owner subject to the resolution. The county assessor shall determine and identify the personal properties and improvements to real property which are subject to a service charge in each fire district and shall furnish and deliver to the county treasurer a listing of such properties with information describing the location, legal



description, and address of the person to whom the statement of service charges is to be mailed, the name of the owner and the value of the property and improvements together with the service charge to apply to each. Service charges levied hereunder shall be certified to the county treasurer for collection in the same manner that is used for the collection of fire protection charges for forest lands protected by the department of natural resources as prescribed by RCW 76.04.610 and the same penalties and provisions for collection shall apply. [1986 c 100 § 53; 1974 ex.s. c 126 § 3.]

**Chapter 52.20**

**LOCAL IMPROVEMENT DISTRICTS**

Sections

52.20.027 Lands subject to forest fire protection assessments exempt—Separation of forest-type lands for tax and assessment purposes.

**52.20.027 Lands subject to forest fire protection assessments exempt—Separation of forest-type lands for tax and assessment purposes.** RCW 52.20.010, 52.20.020, and 52.20.025 shall not apply to any tracts or parcels of wholly forest-type lands within the district which are required to pay forest fire protection assessments, as required by RCW 76.04.610; however, both the tax levy or special assessments of the district and the forest fire protection assessment shall apply to the forest land portion of any tract or parcel which is in the district containing a combination of both forest-type lands and nonforest-type lands or improvements: *Provided*, That an owner has the right to have forest-type lands of more than twenty acres in extent separated from land bearing improvements and from nonforest-type lands for taxation and assessment purposes upon furnishing to the assessor a written request containing the proper legal description. [1986 c 100 § 54; 1984 c 230 § 51; 1961 c 161 § 5.]

**Title 53**

**PORT DISTRICTS**

Chapters

- 53.04 Formation.
- 53.08 Powers.
- 53.12 Commissioners—Elections.
- 53.31 Export trading companies.
- 53.48 Dissolution of port and other districts.

**Chapter 53.04**

**FORMATION**

Sections

53.04.020 Formation of district.  
 53.04.022 Formation of district comprising less than entire county. (Effective until December 31, 1988.)

**53.04.020 Formation of district.** At any general election or at any special election which may be called for that purpose, the board of county commissioners of any county in this state may, or on petition of ten percent of the qualified electors of such county based on the total vote cast in the last general county election, shall, by resolution submit to the voters of such county the proposition of creating a port district which may: (1) Be coextensive with the limits of such county as now or hereafter established; or (2) be under the provisions of RCW 53.04.022. Such petition shall be filed with the county auditor, who shall within fifteen days examine the signatures thereof and certify to the sufficiency or insufficiency thereof, and for such purpose the county auditor shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed port district. If such petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the legislative authority of the county, who shall submit such proposition at the next general election or, if such petition so requests, the board of county commissioners shall, at their first meeting after the date of such certificate, by resolution, call a special election to be held not less than thirty days nor more than sixty days from the date of such certificate. The notice of election shall state the boundaries of the proposed port district and the object of such election. In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot substantially in the following terms:

"Port of -----, Yes." (giving the name of the principal seaport city within such proposed port district, or if there be more than one city of the same class within such district, such name as may be determined by the legislative authority of the county).

"Port of -----, No." (giving the name of the principal seaport city within such port district, or if there be more than one city of the same class within such district, such name as may be determined by the legislative authority of the county). [1986 c 262 § 1; 1971 ex.s. c 157 § 1; 1913 c 62 § 1; 1911 c 92 § 2; RRS § 9689. Formerly RCW 53.04.020 through 53.04.040.]

**Effective date—1971 ex.s. c 157:** "The effective date of this act shall be May 1, 1972." [1971 ex.s. c 157 § 4.]

**53.04.022 Formation of district comprising less than entire county. (Effective until December 31, 1988.)** When it is desired to create a port district comprising territory less than the entire county and with an assessed valuation of at least one hundred eighty million dollars in other than class A counties, the county commissioners

shall, upon petition of ten percent or more of the electors residing within the proposed boundaries of such proposed district based on the total vote at the last general election within such area, submit to the qualified electors residing within such proposed district the proposition of creating such port district. If at any such election a majority of the votes cast thereon shall be in favor of establishing such port district and the total vote cast upon such question shall equal one-third of the total vote cast at the last preceding general election within such area, such port district shall be established. [1986 c 262 § 3.]

**Expiration date**—1986 c 262 § 3: "Section 3 of this act shall expire on December 31, 1988." [1986 c 262 § 4.]

## Chapter 53.08 POWERS

### Sections

53.08.310	Moorage facilities—Definitions.
53.08.320	Moorage facilities—Regulations authorized—Port charges, delinquency—Abandoned vessels, public sale.

**53.08.310 Moorage facilities—Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this section and RCW 53.08.320.

(1) "Port charges" mean charges of a moorage facility operator for moorage and storage, and all other charges owing or to become owing under a contract between a vessel owner and the moorage facility operator, or under an officially adopted tariff including, but not limited to, costs of sale and related legal expenses.

(2) "Vessel" means every species of watercraft or other artificial contrivance capable of being used as a means of transportation on water and which does not exceed two hundred feet in length. "Vessel" includes any trailer used for the transportation of watercraft.

(3) "Moorage facility" means any properties or facilities owned or operated by a moorage facility operator which are capable of use for the moorage or storage of vessels.

(4) "Moorage facility operator" means any port district, city, town, metropolitan park district, or county which owns and/or operates a moorage facility.

(5) "Owner" means every natural person, firm, partnership, corporation, association, or organization, or agent thereof, with actual or apparent authority, who expressly or impliedly contracts for use of a moorage facility.

(6) "Transient vessel" means a vessel using a moorage facility and which belongs to an owner who does not have a moorage agreement with the moorage facility operator. Transient vessels include, but are not limited to: Vessels seeking a harbor of refuge, day use, or overnight use of a moorage facility on a space-as-available basis. [1986 c 260 § 1; 1983 c 188 § 1.]

**Construction—Savings**—1983 c 188: "Nothing contained in RCW 53.08.310 and 53.08.320 may be construed as a limitation of

any rights, privileges, or remedies previously existing under any applicable laws of port districts, cities, towns, metropolitan park districts, or counties." [1983 c 188 § 3.]

**Severability**—1983 c 188: "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." [1983 c 188 § 5.]

**53.08.320 Moorage facilities—Regulations authorized—Port charges, delinquency—Abandoned vessels, public sale.** A moorage facility operator may adopt all regulations necessary for rental and use of moorage facilities and for the expeditious collection of port charges. The regulations may also establish procedures for the enforcement of these regulations by port district, city, county, metropolitan park district or town personnel. The regulations shall include the following:

(1) Procedures authorizing moorage facility personnel to take reasonable measures, including the use of chains, ropes, and locks, or removal from the water, to secure vessels within the moorage facility so that the vessels are in the possession and control of the moorage facility operator and cannot be removed from the moorage facility. These procedures may be used if an owner mooring or storing a vessel at the moorage facility fails, after being notified that charges are owing and of the owner's right to commence legal proceedings to contest that such charges are owing, to pay the port charges owed or to commence legal proceedings. Notification shall be by registered mail to the owner at his last known address. In the case of a transient vessel, or where no address was furnished by the owner, the moorage facility operator need not give such notice prior to securing the vessel. At the time of securing the vessel, an authorized moorage facility employee shall attach to the vessel a readily visible notice. The notice shall be of a reasonable size and shall contain the following information:

(a) The date and time the notice was attached;

(b) A statement that if the account is not paid in full within ninety days from the time the notice is attached, the vessel may be sold at public auction to satisfy the port charges; and

(c) The address and telephone number where additional information may be obtained concerning release of the vessel.

After a vessel is secured, the operator shall make a reasonable effort to notify the owner by registered mail in order to give the owner the information contained in the notice.

(2) Procedures authorizing moorage facility personnel at their discretion to move moored vessels ashore for storage within properties under the operator's control or for storage with private persons under their control as bailees of the moorage facility, if the vessel is, in the opinion of port personnel a nuisance, if the vessel is in danger of sinking or creating other damage, or is owing port charges. Costs of any such procedure shall be paid by the vessel's owner.

(3) If a vessel is secured under subsection (1) of this section or moved ashore under subsection (2) of this

section, the owner who is obligated to the moorage facility operator for port charges may regain possession of the vessel by:

(a) Making arrangements satisfactory with the moorage facility operator for the immediate removal of the vessel from the moorage facility or for authorized moorage; and

(b) Making payment to the moorage facility operator of all port charges, or by posting with the moorage facility operator a sufficient cash bond or other acceptable security, to be held in trust by the moorage facility operator pending written agreement of the parties with respect to payment by the vessel owner of the amount owing, or pending resolution of the matter of the charges in a civil action in a court of competent jurisdiction. After entry of judgment, including any appeals, in a court of competent jurisdiction, or after the parties reach agreement with respect to payment, the trust shall terminate and the moorage facility operator shall receive so much of the bond or other security as is agreed, or as is necessary to satisfy any judgment, costs, and interest as may be awarded to the moorage facility operator. The balance shall be refunded immediately to the owner at his last known address.

(4) If a vessel has been secured by the moorage facility operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within ninety days after notifying or attempting to notify the owner under subsection (1) of this section, the vessel shall be conclusively presumed to have been abandoned by the owner.

(5) If a vessel moored or stored at a moorage facility is abandoned, the moorage facility operator may, by resolution of its legislative authority, authorize the public sale of the vessel by authorized personnel to the highest and best bidder for cash as follows:

(a) Before the vessel is sold, the owner of the vessel shall be given at least twenty days' notice of the sale in the manner set forth in subsection (1) of this section if the name and address of the owner is known. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of port charges owed with respect to the vessel. The notice of sale shall be published at least once, more than ten but not more than twenty days before the sale, in a newspaper of general circulation in the county in which the moorage facility is located. Such notice shall include the name of the vessel, if any, the last known owner and address, and a reasonable description of the vessel to be sold. The moorage facility operator may bid all or part of its port charges at the sale and may become a purchaser at the sale;

(b) Before the vessel is sold, any person seeking to redeem an impounded vessel under this section may commence a lawsuit in the superior court for the county in which the vessel was impounded to contest the validity of the impoundment or the amount of the port charges owing. Such lawsuit must be commenced within ten days of the date the notification was provided pursuant to subsection (1) of this section, or the right to a hearing shall be deemed waived and the owner shall be liable for

any port charges owing the moorage facility operator. In the event of litigation, the prevailing party shall be entitled to reasonable attorneys' fees and costs.

(c) The proceeds of a sale under this section shall first be applied to the payment of port charges. The balance, if any, shall be paid to the owner. If the owner cannot in the exercise of due diligence be located by the moorage facility operator within one year of the date of the sale, the excess funds from the sale shall revert to the department of revenue pursuant to chapter 63.29 RCW. If the sale is for a sum less than the applicable port charges, the moorage facility operator is entitled to assert a claim for a deficiency.

(d) In the event no one purchases the vessel at a sale, or a vessel is not removed from the premises or other arrangements are not made within ten days of sale, title to the vessel will revert to the moorage facility operator.

(6) The regulations authorized under this section shall be enforceable only if the moorage facility has had its tariff containing such regulations conspicuously posted at its moorage facility at all times. [1986 c 260 § 2; 1985 c 7 § 124; 1983 c 188 § 2.]

**Severability—Construction—Savings—1983 c 188:** See notes following RCW 53.08.310.

## Chapter 53.12

### COMMISSIONERS—ELECTIONS

#### Sections

53.12.020 Qualifications—Eligibility following void in candidacy.

**53.12.020 Qualifications—Eligibility following void in candidacy.** In port districts located in a class AA county no person shall be eligible to hold the office of port commissioner unless he is a qualified voter of the district. In all other port districts except those located in a class AA county the person must be a qualified voter of the commissioner district from which he is elected.

If, pursuant to RCW 29.21.350, a void in candidacy has been declared for a port district, any registered voter of the port district is eligible to file a declaration of candidacy for the office of port commissioner when filing for the office is reopened pursuant to RCW 29.21.360 or 29.21.370. [1986 c 262 § 2; 1965 c 51 § 2; 1959 c 175 § 1; 1959 c 17 § 4. Prior: 1913 c 62 § 2, part; 1911 c 92 § 3, part; RRS § 9690, part.]

## Chapter 53.31

### EXPORT TRADING COMPANIES

#### Sections

53.31.010 Legislative findings—Intent.  
 53.31.020 Definitions.  
 53.31.030 Export trading companies—Authorized—Adoption of business plan.  
 53.31.040 Export trading companies—Powers—Formation—Dissolution.  
 53.31.050 Confidentiality of records supplied by private persons.  
 53.31.060 Certificate of review under federal export trading company act—Authorized.

53.31.900 Expiration of chapter—Review.  
 53.31.901 Severability—1986 c 276.

**53.31.010 Legislative findings—Intent.** It is declared to be the public policy of the state to promote and preserve the economic well-being of the citizens of this state by creating opportunities for expanded participation in international trade by state businesses and expanding international trade through state ports. Increased international trade of state products creates and retains jobs, increases the state's tax base, and diversifies the state's economy. Port districts, through economies of scale, are uniquely situated to promote and expand international trade and provide greater opportunities for state businesses to participate in international trade.

The legislature finds that significant public benefit, in the form of increased employment and tax revenues, can be realized through export trading companies without lending the credit of port districts, and without capital investment of public funds by port districts. The legislature finds that the use of port district funds to promote and establish export trading companies under this chapter constitutes trade promotion and industrial development within the meaning of Article VIII, section 8 of the state Constitution.

It is the purpose of this chapter: (1) To stimulate greater participation by private businesses in international trade; (2) to authorize port districts to promote and facilitate international trade more actively; (3) to make export services more widely available; (4) to generate revenue for port districts; and (5) to develop markets for Washington state goods and services. Port sponsored export trading companies can also assist small to medium-sized companies in achieving economies of scale in order to expand into the export market.

It is the intent of this chapter to enhance export trade and not to create outside competition for existing Washington state businesses. The primary intent of a port sponsored export trading company is to increase exports of Washington state products.

This chapter shall not be construed as modifying or restricting any other powers granted to port districts by law. The legislature does not intend by the enactment of this chapter for port districts to use export trading companies to create unfair competition with private business. [1986 c 276 § 1.]

**53.31.020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Port district" means any port district other than a county-wide port district in a class A or AA county, established under Title 53 RCW.

(2) "Export services" means the following services when provided in order to facilitate the export of goods or services through Washington ports: International market research, promotion, consulting, marketing, legal assistance, trade documentation, communication and processing of foreign orders to and for exporters and

foreign purchasers, financing, and contracting or arranging for transportation, insurance, warehousing, foreign exchange, and freight forwarding.

(3) "Export trading company" means an entity created by a port district under RCW 53.31.040.

(4) "Obligations" means bonds, notes, securities, or other obligations or evidences of indebtedness.

(5) "Person" means any natural person, firm, partnership, association, private or public corporation, or governmental entity. [1986 c 276 § 2.]

**53.31.030 Export trading companies—Authorized—Adoption of business plan.** (1) Public port districts, formed under chapter 53.04 RCW are authorized to establish export trading companies and a company so formed may contract with other public ports, financial institutions, freight forwarders, and public or private concerns within or outside the state to carry out the purposes of this chapter. A port district may participate financially in only one export trading company.

(2) A port district proposing to establish an export trading company shall adopt a business plan with safeguards and limitations to ensure that any private benefit to be realized from the use of funds of the export trading company are incidental to the purposes of this chapter. The business plan shall be adopted only after public hearing and shall be reviewed at least once every two years. Amendments to the plan shall be adopted only after public hearing. The business plan shall include:

(a) A description of export promotion activities to be conducted during the period of the plan;

(b) A proposed budget of operations which shall include an itemized list of estimated revenues and expenditures;

(c) A description of the safeguards and limitations which ensure that the export trading company will best be used to enhance international trade and produce public benefit in the form of employment, capital investment, and tax revenues;

(d) A description of private competitors which may be capable of providing the functions in the business plan; and

(e) Such other matters as may be determined by the port district.

(3) A port district, for the purpose of establishing or promoting an export trading company under this chapter, may provide financial assistance to the export trading company. A port district may not provide such assistance or services for more than five years or in an amount greater than five hundred thousand dollars. [1986 c 276 § 3.]

**53.31.040 Export trading companies—Powers—Formation—Dissolution.** (1) For the purpose of promoting international trade, export trading companies formed under this chapter may provide export services through:

(a) Holding and disposing of goods in international trade;

(c) Taking title to goods.

All such activities engaged in or pursued by an export trading company shall be charged for in accordance with the customs of the trade at competitive market rates.

(2) Nothing contained in this chapter may be construed to authorize an export trading company to own or operate directly or indirectly any business which provides freight-forwarding, insurance, foreign exchange, or warehousing services. Nothing contained in this chapter may be construed to permit an export trading company to engage in the business of transporting commodities by motor vehicle, barge, ship, or rail for compensation.

(3) (a) Proceedings to form a public corporation designated as an export trading company shall be initiated by a resolution of the board of commissioners of a port district adopting a charter for the corporation. The charter shall contain such provisions as are authorized by law and include provisions for a board of directors which shall conduct the affairs of the export trading company. The board of directors shall include no fewer than three nor more than five members, all appointed by the port district board of commissioners. Commissioners of the port shall be eligible to serve as members of the board and shall constitute a majority of the board of directors at all times. Unless a later date is specified, the resolution shall take effect on the thirtieth day after adoption. The corporation shall be deemed formed for all purposes upon filing in the office of the secretary of state a certified copy of the effective resolution and the charter adopted by the resolution.

(b) In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the corporation, the corporation is conclusively presumed to be established and authorized to transact business and exercise its powers under this chapter upon proof of the adoption of the resolution creating the corporation by the governing body. A copy of the resolution duly certified by the secretary of the port district commission shall be admissible in evidence in any suit, action, or proceeding.

(c) A corporation created by a port district pursuant to this chapter may be dissolved by the district if the corporation (i) has no property to administer, other than funds or property, if any, to be paid or transferred to the district by which it was established; and (ii) all its outstanding obligations have been satisfied. Such a dissolution shall be accomplished by the governing body of the port district adopting a resolution providing for the dissolution.

(d) The creating port district may, at its discretion and at any time, alter or change the structure, organizational programs, or activities of the corporation, including termination of the corporation if contracts entered into by the corporation are not impaired. Subject to any contractual obligations, any net earnings of the corporation shall inure only to the benefit of the creating port district. Upon dissolution of the corporation, all assets and title to all property owned by the corporation shall vest in the creating port district.

(4) A port district may contract with an export trading company to provide services on a reimbursement basis at current business rates to the export trading

company, including but not limited to accounting, legal, clerical, technical, and other administrative services. Separate accounting records prepared according to generally accepted accounting principles shall be maintained by the export trading company.

(5) Any obligation of an export trading company shall not in any manner be an obligation of the port district nor a charge upon any revenues or property of the port district.

(6) An export trading company may borrow money or contract indebtedness and pledge, in whole or in part, any of its revenues or assets not subject to prior liens or pledges. An export trading company may not pledge any revenue or property of a port district or other municipal corporation and no port district or other municipal corporation may pledge its revenues or property to the payment thereof. An export trading company has no power to issue general obligation bonds, levy taxes, or exercise power of eminent domain. [1986 c 276 § 4.]

**Reviser's note:** Subsection (1)(b) of this section was vetoed by the governor.

**53.31.050 Confidentiality of records supplied by private persons.** All financial and commercial information and records supplied by private persons to an export trading company with respect to export projects shall be kept confidential unless such confidentiality shall be waived by the party supplying the information or by all parties engaged in the discussion. [1986 c 276 § 5.]

**53.31.060 Certificate of review under federal export trading company act—Authorized.** An export trading company may apply for and hold a certificate of review provided for under 15 U.S.C. Secs. 4001 through 4021, the federal export trading company act of 1982. [1986 c 276 § 6.]

**53.31.900 Expiration of chapter—Review.** This chapter shall expire July 1, 1991, and shall be subject to review under chapter 43.131 RCW. [1986 c 276 § 10.]

**53.31.901 Severability—1986 c 276.** 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. [1986 c 276 § 11.]

## Chapter 53.48

### DISSOLUTION OF PORT AND OTHER DISTRICTS

#### Sections

53.48.010 Definitions.

**53.48.010 Definitions.** The following words and terms shall, whenever used in this chapter, have the meaning set forth in this section:

(1) The term "district" as used herein, shall include all municipal and quasi municipal corporations having a governing body, other than cities, towns, counties, and townships, such as port, school, water, fire protection,

and all other districts of similar organization, but shall not include local improvement districts, diking, drainage and irrigation districts, special districts as defined in RCW 85.38.010, nor public utility districts.

(2) The words "board of commissioners," as used herein, shall mean the governing authority of any district as defined in subdivision (1) of this section. [1986 c 278 § 17; 1979 ex.s. c 30 § 10; 1941 c 87 § 1; Rem. Supp. 1941 § 8931-11.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**Purpose**—1941 c 87: "This act is intended to authorize the dissolution of all types of municipal corporations having governing bodies, other than those excepted from the application of this act, in cases where the occasion or reason for continued existence of such corporation has ceased, or where the best interests of all persons concerned would be served by such dissolution, and shall be liberally construed to effect such intent." [1941 c 87 § 12.]

**Severability**—1941 c 87: "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 invalid provision or application, and to this end the provisions of this act are declared to be severable." [1941 c 87 § 11.]

## Title 54

### PUBLIC UTILITY DISTRICTS

#### Chapters

- 54.04 General provisions.
- 54.12 Commissioners.
- 54.16 Powers.
- 54.28 Privilege taxes.

#### Chapter 54.04

##### GENERAL PROVISIONS

#### Sections

- 54.04.092 Application of RCW 54.04.070 through 54.04.090 to certain service provider agreements under chapter 70.150 RCW. . .

**54.04.092 Application of RCW 54.04.070 through 54.04.090 to certain service provider agreements under chapter 70.150 RCW.** RCW 54.04.070 through 54.04.090 shall not apply to agreements entered into under authority of chapter 70.150 RCW provided there is compliance with the procurement procedure under RCW 70.150.040. [1986 c 244 § 14.]

**Severability**—1986 c 244: See RCW 70.150.905.

#### Chapter 54.12

##### COMMISSIONERS

#### Sections

- 54.12.100 Oath or affirmation.

**54.12.100 Oath or affirmation.** Each commissioner before he enters upon the duties of his office shall take and subscribe an oath or affirmation that he will faithfully and impartially discharge the duties of his office to

the best of his ability. This oath, or affirmation, shall be administered and certified by an officer of the county in which the district is situated, who is authorized to administer oaths, without charge therefor. The oath or affirmation shall be filed with the county auditor. [1986 c 167 § 23; 1959 c 265 § 10.]

**Severability**—1986 c 167: See note following RCW 29.01.055.

## Chapter 54.16

### POWERS

#### Sections

- 54.16.285 Limitations on termination of utility service for residential heating—Expiration of section.
- 54.16.286 Report to legislature—Expiration of section—1986 c 245.
- 54.16.290 Repealed.

**54.16.285 Limitations on termination of utility service for residential heating—Expiration of section.** (1) A district providing utility service for residential space heating shall not terminate such utility service between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments

are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if he or she moves.

(2) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area; and

(d) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected.

(3) All districts providing utility service for residential space heating shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(4) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

(5) This section shall expire June 30, 1990. [1986 c 245 § 3; 1985 c 6 § 19; 1984 c 251 § 2.]

**54.16.286 Report to legislature—Expiration of section—1986 c 245.** Until 1990, districts distributing electricity shall report annually to the legislature: (1) The extent to which chapter 245, Laws of 1986 benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, 1990. [1986 c 245 § 4; 1984 c 251 § 6.]

**Reviser's note:** For codification of 1986 c 245, see note following RCW 35.21.301.

**54.16.290 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

## Chapter 54.28

### PRIVILEGE TAXES

#### Sections

54.28.055 Distribution of tax proceeds from thermal electric generating facilities.

**54.28.055 Distribution of tax proceeds from thermal electric generating facilities.** (1) After computing the tax imposed by RCW 54.28.025(1), the department of revenue shall instruct the state treasurer to distribute the amount collected as follows:

(a) Fifty percent to the state general fund for the support of schools; and

(b) Twenty-two percent to the counties, twenty-three percent to the cities, three percent to the fire protection districts, and two percent to the library districts.

(2) Each county, city, fire protection district and library district shall receive a percentage of the amount for distribution to counties, cities, fire protection districts and library districts, respectively, in the proportion that the population of such district residing within the impacted area bears to the total population of all such districts residing within the impacted area. For the purposes of this chapter, the term "library district" includes only regional libraries as defined in RCW 27.12.010(4), rural county library districts as defined in RCW 27.12.010(5), intercounty rural library districts as defined in RCW 27.12.010(6), and island library districts as defined in RCW 27.12.010(7). The population of a library district, for purposes of such a distribution, shall not include any population within the library district and the impact area that also is located within a city or town.

(3) If any distribution pursuant to subsection (1)(b) of this section cannot be made, then that share shall be prorated among the state and remaining local districts.

(4) All distributions directed by this section to be made on the basis of population shall be calculated in accordance with data to be provided by the office of financial management. [1986 c 189 § 1; 1982 1st ex.s. c 35 § 22; 1979 c 151 § 165; 1977 ex.s. c 366 § 7.]

**Severability—Effective dates—1982 1st ex.s. c 35:** See notes following RCW 82.08.020.

## Title 56

### SEWER DISTRICTS

#### Chapters

**56.08 Powers—Comprehensive plan.**

**56.12 Commissioners.**

**56.16 Finances.**

**56.20 Utility local improvement districts.**

**56.24 Annexation of territory.**

**Chapter 56.08**  
**POWERS—COMPREHENSIVE PLAN**

## Sections

- 56.08.012 Public property subject to rates and charges for storm water control facilities.  
56.08.092 Application of sections to certain service provider agreements under chapter 70.150 RCW.

**56.08.012 Public property subject to rates and charges for storm water control facilities.** Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by sewer districts pursuant to RCW 56.08.010 or 56.16.090. In setting these rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property. [1986 c 278 § 59; 1983 c 315 § 5.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**Severability—1983 c 315:** See note following RCW 90.03.500.

*Flood control zone districts—Storm water control improvements: Chapter 86.15 RCW.*

*Rates and charges for storm water control facilities—Limitations—Definitions: RCW 90.03.500 through 90.03.525. See also RCW 35.67.025, 35.92.021, 36.89.085, and 36.94.145.*

**56.08.092 Application of sections to certain service provider agreements under chapter 70.150 RCW.** RCW 56.08.070, 56.08.080 through 56.08.090, and 56.08.120 through 56.08.160 shall not apply to an agreement entered into under authority of chapter 70.150 RCW provided there is compliance with the procurement procedure under RCW 70.150.040. [1986 c 244 § 15.]

**Severability—1986 c 244:** See RCW 70.150.905.

**Chapter 56.12**  
**COMMISSIONERS**

## Sections

- 56.12.030 Nominations—Vacancies—Elections—Commissioner districts.

**56.12.030 Nominations—Vacancies—Elections—Commissioner districts.** (1) Nominations for the first board of commissioners to be elected at the election for the formation of the sewer district shall be by petition of fifty qualified electors or ten percent of the qualified electors of the district, whichever is the smaller. The petition shall be filed in the auditor's office of the county in which the district is located at least thirty days before the election. Thereafter candidates for the office of sewer commissioner shall file declarations of candidacy and their election shall be conducted as provided by the general elections laws. A vacancy or vacancies shall be filled by appointment by the remaining commissioner or commissioners until the next regular election for commissioners: *Provided*, That if there are

two vacancies on the board, one vacancy shall be filled by appointment by the remaining commissioner and the one remaining vacancy shall be filled by appointment by the then two commissioners and said appointed commissioners shall serve until the next regular election for commissioners. If the vacancy or vacancies remain unfilled within six months of its or their occurrence, the county legislative authority in which the district is located shall make the necessary appointment or appointments. If there is a vacancy of the entire board a new board may be appointed by the board of county commissioners. Any person residing in the district who is at the time of election a qualified voter may vote at any election held in the sewer district.

(2) Subsection (1) of this section notwithstanding, the board of commissioners may provide by majority vote that subsequent commissioners be elected from commissioner districts within the district. If the board exercises this option, it shall divide the district into three commissioner districts of approximately equal population following current precinct and district boundaries. Thereafter, candidates shall be nominated and one candidate shall be elected from each commissioner district by the electors of the commissioner district.

(3) All expense of elections for the formation or reorganization of a sewer district shall be paid by the county in which the election is held and the expenditure is hereby declared to be for a county purpose, and the money paid for that purpose shall be repaid to the county by the district if formed or reorganized. [1986 c 41 § 1; 1985 c 141 § 3; 1981 c 169 § 2; 1953 c 250 § 9; 1947 c 212 § 1; 1945 c 140 § 7; 1941 c 210 § 8; Rem. Supp. 1947 § 9425-17.]

**Chapter 56.16**  
**FINANCES**

## Sections

- 56.16.160 Maintenance or general fund and special funds—Deposits and investments.

**56.16.160 Maintenance or general fund and special funds—Deposits and investments.** Whenever there shall have accumulated in any general or special fund of a sewer district moneys, the disbursement of which is not yet due, the board of commissioners may, by resolution, authorize the county treasurer to deposit or invest such moneys in qualified public depositories, or to invest such moneys in any investment permitted at any time by RCW 36.29.020: *Provided*, That the county treasurer may refuse to invest any district moneys the disbursement of which will be required during the period of investment to meet outstanding obligations of the district. [1986 c 294 § 12; 1983 c 66 § 21; 1981 c 24 § 3; 1973 1st ex.s. c 140 § 2; 1959 c 103 § 15.]

**Severability—1983 c 66:** See note following RCW 39.58.010.

**Severability—1959 c 103:** See note following RCW 56.08.010.

*Public depositories: Chapter 39.58 RCW.*



## Chapter 56.20

## UTILITY LOCAL IMPROVEMENT DISTRICTS

## Sections

56.20.020	Petition or resolution to form local district—Procedure—Written protest.
56.20.030	Hearing—Improvement ordered—Divestment of power to order—Notice—Appeal—Assessment roll.

**56.20.020 Petition or resolution to form local district—Procedure—Written protest.** Utility local improvement districts to carry out all or any portion of the comprehensive plan, or additions and betterments thereof, adopted for the sewer district may be initiated either by resolution of the board of sewer commissioners or by petition signed by the owners according to the records of the office of the county auditor of at least fifty-one percent of the area of the land within the limits of the utility local improvement district to be created.

In case the board of sewer commissioners desires to initiate the formation of a utility local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed utility local improvement district, describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time, and place for a public hearing on the formation of the proposed local district, which date shall, unless there is an emergency, be no less than thirty days and no more than ninety days from the day the resolution of intention was adopted.

In case any such utility local improvement district is initiated by petition, such petition shall set forth the nature and territorial extent of such proposed improvement and the fact that the signers thereof are the owners according to the records of the county auditor of at least fifty-one percent of the area of land within the limits of the utility local improvement district to be created. Upon the filing of such petition with the secretary of the board of sewer commissioners, the board shall determine whether the petition is sufficient, and the board's determination thereof shall be conclusive upon all persons. No person may withdraw his name from the petition after the filing thereof with the secretary of the board of sewer commissioners. If the board finds the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of the improvement, designating the number of the proposed local district, describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and fixing a date, time, and place for a public hearing on the formation of the proposed local district.

Notice of the adoption of the resolution of intention, whether the resolution was adopted on the initiative of

the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of sewer commissioners. Notice of the adoption of the resolution of intention shall also be given each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed improvement district by mailing the notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon. Whenever such notices are mailed, the sewer commissioners shall maintain a list of such reputed property owners, which list shall be kept on file at a location within the sewer district and shall be made available for public perusal. The notices shall refer to the resolution of intention and designate the proposed improvement district by number. The notices shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the date, time, and place of the hearing before the board of sewer commissioners. In the case of improvements initiated by resolution, the notice shall also: (1) State that all persons desiring to object to the formation of the proposed district must file their written protests with the secretary of the board of sewer commissioners no later than ten days after the public hearing; (2) state that if owners of at least forty percent of the area of land within the proposed district file written protests with the secretary of the board, the power of the sewer commissioners to proceed with the creation of the proposed district shall be divested; (3) provide the name and address of the secretary of the board; and (4) state the hours and location within the sewer district where the names of the property owners within the proposed district are kept available for public perusal. In the case of the notice given each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract, parcel of land, or other property. [1986 c 256 § 1; 1977 ex.s. c 300 § 10; 1974 ex.s. c 58 § 5; 1965 ex.s. c 40 § 1; 1953 c 250 § 17; 1941 c 210 § 27; Rem. Supp. 1941 § 9425-36.]

**56.20.030 Hearing—Improvement ordered—Divestment of power to order—Notice—Appeal—Assessment roll.** Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in plans for the proposed improvement as shall be deemed necessary. The board may not change the boundaries of the district to include property not previously included in it without first passing a new resolution of intention and giving a new notice to property owners in the manner

and form and within the time provided in this chapter for the original notice.

After the hearing the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution. The jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested: (a) by protests filed with the secretary of the board before the public hearing signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district or (b) by the commissioners not adopting a resolution ordering the improvement at a public hearing held not more than ninety days from the day the resolution of intention was adopted, unless the commissioners file with the county auditor a copy of the notice required by RCW 56.20.020, and in no event at a hearing held more than two years from the day the resolution of intention was adopted.

If the commissioners find that the district should be formed, they shall by resolution form the district and order the improvement. After execution of the resolution forming the district, the secretary of the board of commissioners shall publish, in a legal publication that serves the area subject to the district, a notice setting forth that a resolution has been passed forming the district and that a lawsuit challenging the jurisdiction or authority of the sewer district to proceed with the improvement and creating the district must be filed, and notice to the sewer district served, within thirty days of the publication of the notice. The notice shall set forth the nature of the appeal. Property owners bringing the appeal shall follow the procedures as set forth under appeal under RCW 56.20.080. Whenever a resolution forming a district has been adopted, the formation is conclusive in all things upon all parties, and cannot be contested or questioned in any manner in any proceeding whatsoever by any person not commencing a lawsuit in the manner and within the time provided in this section, except for lawsuits made under RCW 56.20.080.

Following an appeal, if it is unsuccessful or if no appeal is made under RCW 56.20.080, the commissioners may proceed with the improvement and provide the general funds of the sewer district to be applied thereto, adopt detailed plans of the utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the sewer district such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle the district to proceed with the work. The board of sewer commissioners shall proceed with the work and file with the county treasurer of each county in which the real property is to be assessed its roll levying special assessments in the amount to be paid by special assessment against the property situated within the local improvement district in proportion to the special benefits to be derived by the property therein from the improvement. [1986 c 256 § 2; 1974 ex.s. c 58 § 6; 1971 ex.s. c 272 § 9; 1953 c 250 § 18; 1941 c 210 § 28; Rem. Supp. 1941 § 9425-37.]

## Chapter 56.24

### ANNEXATION OF TERRITORY

#### Sections

56.24.210 Expenditure of funds to provide certain information authorized—Limits.

**56.24.210 Expenditure of funds to provide certain information authorized—Limits.** Sewer districts may expend funds to inform residents in areas proposed for annexation into the district of the following:

- (1) Technical information and data;
- (2) The fiscal impact of the proposed improvement;
- (3) The types of improvements planned.

Expenditures under this section shall be limited to research, preparation, printing, and mailing of the information. [1986 c 258 § 1.]

## Title 57

### WATER DISTRICTS

#### Chapters

**57.08 Powers.**  
**57.12 Officers and elections.**  
**57.16 Comprehensive plan—Local improvement districts.**  
**57.20 Finances.**  
**57.24 Annexation of territory.**  
**57.28 Withdrawal of territory.**

## Chapter 57.08

### POWERS

#### Sections

57.08.017 Application of sections to certain service provider agreements under chapter 70.150 RCW.

**57.08.017 Application of sections to certain service provider agreements under chapter 70.150 RCW.** RCW 57.08.015, 57.08.016, 57.08.050, 57.08.120, and 57.08.130 shall not apply to agreements entered into under authority of chapter 70.150 RCW provided there is compliance with the procurement procedure under RCW 70.150.040. [1986 c 244 § 16.]

**Severability—1986 c 244:** See RCW 70.150.905.

## Chapter 57.12

### OFFICERS AND ELECTIONS

#### Sections

57.12.039 Election of commissioners from commissioner districts.

**57.12.039 Election of commissioners from commissioner districts.** Notwithstanding RCW 57.12.020 and 57.12.030, the board of commissioners may provide by majority vote that subsequent commissioners be elected from commissioner districts within the district. If the board exercises this option, it shall divide the district

into three commissioner districts of approximately equal population following current precinct and district boundaries. Thereafter, candidates shall be nominated and one candidate shall be elected from each commissioner district by the electors of the commissioner district. [1986 c 41 § 2.]

### Chapter 57.16

## COMPREHENSIVE PLAN—LOCAL IMPROVEMENT DISTRICTS

#### Sections

57.16.060 Resolution or petition to form district—Procedure—Written protest—Notice—Appeal—Improvement ordered—Divestment of power to order.

**57.16.060 Resolution or petition to form district—Procedure—Written protest—Notice—Appeal—Improvement ordered—Divestment of power to order.** Local improvement districts or utility local improvement districts to carry out the whole or any portion of the general comprehensive plan of improvements or plan providing for additions and betterments to the original general comprehensive plan previously adopted may be initiated either by resolution of the board of water commissioners or by petition signed by the owners according to the records of the office of the applicable county auditor of at least fifty-one percent of the area of the land within the limits of the local improvement district to be created.

In case the board of water commissioners desires to initiate the formation of a local improvement district or a utility local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed local improvement district or utility local improvement district, and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time, and place for a public hearing on the formation of the proposed local district.

In case any such local improvement district or utility local improvement district is initiated by petition, such petition shall set forth the nature and territorial extent of the proposed improvement requested to be ordered and the fact that the signers thereof are the owners according to the records of the applicable county auditor of at least fifty-one percent of the area of land within the limits of the local improvement district or utility local improvement district to be created. Upon the filing of such petition the board shall determine whether the petition is sufficient, and the board's determination thereof shall be conclusive upon all persons. No person may withdraw his name from the petition after it has been filed with the board of water commissioners. If the board finds the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the

improvement petitioned for, setting forth the nature and territorial extent of the improvement, designating the number of the proposed local district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and fixing a date, time, and place for a public hearing on the formation of the proposed local district.

Notice of the adoption of the resolution of intention, whether the resolution was adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of water commissioners. Notice of the adoption of the resolution of intention shall also be given each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed improvement district by mailing the notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer of the county in which the real property is located at the address shown thereon. Whenever such notices are mailed, the water commissioners shall maintain a list of such reputed property owners, which list shall be kept on file at a location within the water district and shall be made available for public perusal. The notices shall refer to the resolution of intention and designate the proposed improvement district by number. The notices shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the date, time, and place of the hearing before the board of water commissioners. In the case of improvements initiated by resolution, the notice shall also: (1) State that all persons desiring to object to the formation of the proposed district must file their written protests with the secretary of the board of water commissioners no later than ten days after the public hearing; (2) state that if owners of at least forty percent of the area of land within the proposed district file written protests with the secretary of the board, the power of the water commissioners to proceed with the creation of the proposed district shall be divested; (3) provide the name and address of the secretary of the board; and (4) state the hours and location within the water district where the names of the property owners within the proposed district are kept available for public perusal. In the case of the notice given each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract, parcel of land, or other property.

Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of

the district or such modifications in the plans for the proposed improvement as shall be deemed necessary. The board may not change the boundaries of the district to include property not previously included in it without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time provided in this chapter for the original notice.

After the hearing the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution. The jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested by protests filed with the secretary of the board before the public hearing signed by the owners, according to the records of the applicable county auditor, of at least forty percent of the area of land within the proposed local district.

If the commissioners find that the district should be formed, they shall by resolution form the district and order the improvement. After execution of the resolution forming the district, the secretary of the board of commissioners shall publish, in a legal publication that serves the area subject to the district, a notice setting forth that a resolution has been passed forming the district and that a lawsuit challenging the jurisdiction or authority of the water district to proceed with the improvement and creating the district must be filed, and notice to the water district served, within thirty days of the publication of the notice. The notice shall set forth the nature of the appeal. Property owners bringing the appeal shall follow the procedures as set forth under appeal under RCW 57.16.090. Whenever a resolution forming a district has been adopted, the formation is conclusive in all things upon all parties, and cannot be contested or questioned in any manner in any proceeding whatsoever by any person not commencing a lawsuit in the manner and within the time provided in this section, except for lawsuits made under RCW 57.16.090.

Following an appeal, if it is unsuccessful or if no appeal is made under RCW 57.16.090, the commissioners may proceed with the improvement and provide the general funds of the water district to be applied thereto, adopt detailed plans of the local improvement district or utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the water district such eminent domain proceedings as may be necessary to entitle the district to proceed with the work. The board shall thereupon proceed with the work and file with the county treasurer of the county in which the real property is located its roll levying special assessments in the amount to be paid by special assessment against the property situated within the improvement district in proportion to the special benefits to be derived by the property therein from the improvement. [1986 c 256 § 3; 1982 1st ex.s. c 17 § 16; 1977 ex.s. c 299 § 7; 1965 ex.s. c 39 § 1; 1959 c 18 § 11. Prior: 1953 c 251 § 14; 1929 c 114 § 12, part; RRS § 11590, part. Cf. 1913 c 161 § 12, part.]

## Chapter 57.20

### FINANCES

#### Sections

57.20.160 Maintenance or general fund and special funds—Deposits and investments.

**57.20.160 Maintenance or general fund and special funds—Deposits and investments.** Whenever there shall have accumulated in any general or special fund of a water district moneys, the disbursement of which is not yet due, the board of water commissioners may, by resolution, authorize the county treasurer to deposit or invest such moneys in qualified public depositories, or to invest such moneys in any investment permitted at any time by RCW 36.29.020: *Provided*, That the county treasurer may refuse to invest any district moneys the disbursement of which will be required during the period of investment to meet outstanding obligations of the district. [1986 c 294 § 13; 1983 c 66 § 22; 1981 c 24 § 4; 1973 1st ex.s. c 140 § 3; 1959 c 108 § 16.]

**Severability—1983 c 66:** See note following RCW 39.58.010.  
*Public depositories: Chapter 39.58 RCW.*

## Chapter 57.24

### ANNEXATION OF TERRITORY

#### Sections

57.24.200 Expenditure of funds to provide certain information authorized—Limits.

**57.24.200 Expenditure of funds to provide certain information authorized—Limits.** Water districts may expend funds to inform residents in areas proposed for annexation into the district of the following:

- (1) Technical information and data;
- (2) The fiscal impact of the proposed improvement;
- (3) The types of improvements planned.

Expenditures under this section shall be limited to research, preparation, printing, and mailing of the information. [1986 c 258 § 2.]

## Chapter 57.28

### WITHDRAWAL OF TERRITORY

#### Sections

57.28.050 Hearing—Findings.

**57.28.050 Hearing—Findings.** The petition for withdrawal shall be heard at the time and place specified in such notice or the hearing may be adjourned from time to time, not exceeding one month in all, and any person may appear at such hearing and make objections to the withdrawal of such territory or to the proposed boundary lines thereof. Upon final hearing on the petition for withdrawal, the commissioners of the water district shall make such changes in the proposed boundary lines as they deem to be proper, except that no changes in the boundary lines shall be made by the commissioners to include lands not within the boundaries

of the territory as described in such petition. In establishing and defining such boundaries the commissioners shall exclude any property which is then being furnished with water by the water district or which is included in any distribution system the construction of which has been duly authorized or which is included within any duly established local improvement district or utility local improvement district, and the territory as finally established and defined must be substantial in area and consist of adjoining or contiguous properties. The commissioners shall thereupon make and by resolution adopt findings of fact as to the following questions:

(1) Would the withdrawal of such territory be of benefit to such territory?

(2) Would such withdrawal be conducive to the general welfare of the balance of the district?

Such findings shall be entered in the records of the water district, together with any recommendations the commissioners may by resolution adopt. [1986 c 109 § 1; 1941 c 55 § 5; Rem. Supp. 1941 § 11604–5.]

## Title 58

### BOUNDARIES AND PLATS

#### Chapters

#### 58.17 Plats—Subdivisions—Dedications.

#### Chapter 58.17

#### PLATS—SUBDIVISIONS—DEDICATIONS

#### Sections

58.17.095	Ordinance may authorize administrative review of preliminary plat without public hearing.
58.17.140	Time limitation for approval or disapproval of plats—Extensions.
58.17.310	Approval of plat within irrigation district without provision for irrigation prohibited.

**58.17.095 Ordinance may authorize administrative review of preliminary plat without public hearing.** A county, city, or town may adopt an ordinance providing for the administrative review of a preliminary plat without a public hearing by adopting an ordinance providing for such administrative review. The ordinance may specify a threshold number of lots in a subdivision above which a public hearing must be held, and may specify other factors which necessitate the holding of a public hearing. The administrative review process shall include the following minimum conditions:

(1) The notice requirements of RCW 58.17.090 shall be followed, except that the publication shall be made within ten days of the filing of the application. Additionally, at least ten days after the filing of the application notice both shall be: (a) Posted on or around the land proposed to be subdivided in at least five conspicuous places designed to attract public awareness of the proposal; and (b) mailed to the owner of each lot or parcel of property located within at least three hundred feet of the site. The applicant shall provide the county,

city, or town with a list of such property owners and their addresses. The notice shall include notification that no public hearing will be held on the application, except as provided by this section. The notice shall set out the procedures and time limitations for persons to require a public hearing and make comments.

(2) Any person shall have a period of twenty days from the date of the notice to comment upon the proposed preliminary plat. All comments received shall be provided to the applicant. The applicant has seven days from receipt of the comments to respond thereto.

(3) A public hearing on the proposed subdivision shall be held if any person files a request for a hearing with the county, city, or town within twenty-one days of the publishing of such notice. If such a hearing is requested, notice requirements for the public hearing shall be in conformance with RCW 58.17.090, and the ninety-day period for approval or disapproval of the proposed subdivision provided for in RCW 58.17.140 shall commence with the date of the filing of the request for a public hearing. Any hearing ordered under this subsection shall be conducted by the planning commission or hearings officer as required by county or city ordinance.

(4) On its own initiative within twenty-one days of the filing of the request for approval of the subdivision, the governing body, or a designated employee or official, of the county, city, or town, shall be authorized to cause a public hearing to be held on the proposed subdivision within ninety days of the filing of the request for the subdivision.

(5) If the public hearing is waived as provided in this section, the planning commission or planning agency shall complete the review of the proposed preliminary plat and transmit its recommendation to the legislative body as provided in RCW 58.17.100. [1986 c 233 § 1.]

**Applicability—1986 c 233:** "This act does not affect the provisions of RCW 82.02.020." [1986 c 233 § 3.]

**58.17.140 Time limitation for approval or disapproval of plats—Extensions.** Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from date of filing thereof unless the applicant consents to an extension of such time period or the ninety day limitation is extended to include up to twenty-one days as specified under RCW 58.17.095(3): *Provided*, That if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency. Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period. A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within three years of the date of preliminary plat approval: *Provided*, That this three-year time period shall retroactively apply to any preliminary plat pending before a city, town, or county as of July 24, 1983, where

the authority to proceed with the filing of a final plat has not lapsed under an applicable city, town, or county ordinance containing a shorter time period that was in effect when the preliminary plat was approved. An applicant who files a written request with the legislative body of the city, town, or county at least thirty days before the expiration of this three-year period shall be granted one one-year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the three-year period. Nothing contained in this section shall act to prevent any city, town, or county from adopting by ordinance procedures which would allow other extensions of time that may or may not contain additional or altered conditions and requirements. [1986 c 233 § 2; 1983 c 121 § 3; 1981 c 293 § 7; 1974 ex.s. c 134 § 8; 1969 ex.s. c 271 § 14.]

**Applicability**—1986 c 233: See note following RCW 58.17.095.

**Severability**—1981 c 293: See note following RCW 58.17.010.

**58.17.310 Approval of plat within irrigation district without provision for irrigation prohibited.** In addition to any other requirements imposed by the provisions of this chapter, the legislative authority of any city, town, or county shall not approve a short plat or final plat, as defined in RCW 58.17.020, for any subdivision, short subdivision, lot, tract, parcel, or site which lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW unless there has been provided an irrigation water right of way for each parcel of land in such district. In addition, if the subdivision, short subdivision, lot, tract, parcel, or site lies within land within the district classified as irrigable, completed irrigation water distribution facilities for such land may be required by the irrigation district by resolution, bylaw, or rule of general applicability as a condition for approval of the short plat or final plat by the legislative authority of the city, town, or county. Rights of way shall be evidenced by the respective plats submitted for final approval to the appropriate legislative authority. Compliance with the requirements of this section together with all other applicable provisions of this chapter shall be a prerequisite, within the expressed purpose of this chapter, to any sale, lease, or development of land in this state. [1986 c 39 § 1; 1985 c 160 § 1; 1973 c 150 § 2.]

## Title 60 LIENS

### Chapters

- 60.04** Mechanics' and materialmen's liens.
- 60.11** Crop liens. (Effective January 1, 1987.)
- 60.12** Labor, landlord and seed liens on farm crops.
- 60.13** Processor and preparer liens for agricultural products.
- 60.14** Lien for agricultural dusting or spraying.
- 60.22** Lien for furnishing fertilizers, pesticides, weed killers.

- 60.24** Lien for labor and services on timber and lumber.
- 60.28** Lien for labor, materials, taxes on public works.
- 60.70** Limitations on nonconsensual common law liens.

### Chapter 60.04

#### MECHANICS' AND MATERIALMEN'S LIENS

##### Sections

- 60.04.045 Lien on real property for labor or services on timber and lumber.
- 60.04.115 Action to enforce recorded claim of lien—Bond in lieu of claim.

**60.04.045 Lien on real property for labor or services on timber and lumber.** The lot tract, parcel of land, or any other type of real property or real property improvements upon which the type of activities listed in RCW 60.24.020, 60.24.030, or 60.24.035 are to be performed, or so much property thereof as may be necessary to satisfy the lien and the judgment thereon, to be determined by the court on rendering judgment in a foreclosure of lien, shall also be subject to the lien to the extent of its interest of the persons who in their own behalf, or through any of their agents, caused any of the types of activities listed in RCW 60.24.020, 60.24.030, or 60.24.035. [1986 c 179 § 1.]

**60.04.115 Action to enforce recorded claim of lien—Bond in lieu of claim.** Any owner of real property subject to a recorded claim of lien under RCW 60.04.060, or the contractor or subcontractor who disputes the correctness or validity of the claim of lien may record, either before or after the commencement of an action to enforce the claim of lien, in the office of the county recorder or auditor in the county where the claim of lien was recorded, a bond issued by an insurance company authorized to issue surety bonds in the state, that is acceptable to the lien claimant and contains a description of the claim of lien and real property involved, and in an amount equal to the greater of five thousand dollars or two and one-half times the amount of the claim of lien if it is twenty thousand dollars or less, and in an amount equal to the greater of thirty thousand dollars or two times the amount of claim of lien if it is in excess of twenty thousand dollars. If the claim of lien affects more than one parcel of real property and is segregated to each parcel, the bond may be segregated the same as in the claim of lien. A separate bond shall be required for each claim of lien. The condition of the bond shall be to guarantee the payment of the judgment entered in any action to recover the amount claimed in a claim of lien, or on the claim asserted in the claim of lien. The effect of recording a bond shall be to release the real property described in the claim of lien from the lien and any action brought to recover the amount claimed. Unless otherwise prohibited by law, if no action is filed to recover on a claim of lien within the time specified in RCW 60.04.100 the surety

shall be discharged from liability under the bond. If such an action is timely filed, then on payment of any judgment entered in the action or on payment of the full amount of the bond to the holder of the judgment, whichever is less, the surety shall be discharged from liability under the bond. [1986 c 314 § 4.]

**Chapter 60.11**  
**CROP LIENS**  
(Effective January 1, 1987.)

Sections	
60.11.010	Definitions.
60.11.020	Persons entitled to crop liens—Property subject to lien.
60.11.030	Attachment of liens—Attachment of proceeds.
60.11.040	Claim of lien—Filing—Contents—Duration.
60.11.050	Priorities of liens and security interests.
60.11.060	Foreclosure of crop lien.
60.11.070	Judicial foreclosure.
60.11.080	Summary foreclosure.
60.11.090	Rights and interest of purchaser for value.
60.11.100	Redemption.
60.11.110	Noncompliance with chapter—Rights of lien debtor.
60.11.120	"Commercially reasonable."
60.11.130	Limitation of action to foreclose—Costs.
60.11.140	Lien termination statement.
60.11.900	Savings—Liens created under prior law.
60.11.901	Section captions.
60.11.902	Severability—1986 c 242.
60.11.903	Effective date—1986 c 242.

**60.11.010 Definitions.** As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Crop" means all products of the soil either growing or cropped, cut, or gathered which require annual planting, harvesting, or cultivating. A crop does not include vegetation produced by the powers of nature alone, nursery stock, or vegetation intended as a permanent enhancement of the land itself.

(2) "Landlord" means a person who leases or subleases to a tenant real property upon which crops are growing or will be grown.

(3) "Secured party" and "security interest" have the same meaning as used in the Uniform Commercial Code, Title 62A RCW.

(4) "Supplier" includes, but is not limited to, a person who furnishes seed, furnishes and/or applies commercial fertilizer, pesticide, fungicide, weed killer, or herbicide, including spraying and dusting, upon the land of the grower or landowner, or furnishes any work or labor upon the land of the grower or landowner including tilling, preparing for the growing of crops, sowing, planting, cultivating, cutting, digging, picking, pulling, or otherwise harvesting any crop grown thereon, or in gathering, securing, or housing any crop grown thereon, or in threshing any grain or hauling to any warehouse any crop or grain grown thereon.

(5) "Lien debtor" means the person who is obligated or owes payment or other performance. If the lien debtor and the owner of the collateral are not the same person, "lien debtor" means the owner of the collateral.

(6) "Lien holder" means a person who, by statute, has acquired a lien on the property of the lien debtor, or such person's successor in interest. [1986 c 242 § 1.]

**60.11.020 Persons entitled to crop liens—Property subject to lien.** (1) A landlord whose lease or other agreement with the tenant provides for cash rental payment shall have a lien upon all crops grown upon the demised land in which the landlord has an interest for no more than one year's rent due or to become due within six months following harvest. A landlord with a crop share agreement has an interest in the growing crop which shall not be encumbered by crop liens except as provided in subsection (2) of this section.

(2) A supplier shall have a lien upon all crops for which the supplies are used or applied to secure payment of the purchase price of the supplies and/or services performed: *Provided*, That the landlord's interest in the crop shall only be subject to the lien for the amount obligated to be paid by the landlord if prior written consent of the landlord is obtained or if the landlord has agreed in writing with the tenant to pay or be responsible for a portion of the supplies and/or services provided by the lien holder. [1986 c 242 § 2.]

**60.11.030 Attachment of liens—Attachment of proceeds.** Upon filing, the liens described in RCW 60.11.020 shall attach to the crop for all sums then and thereafter due and owing the lien holder and shall continue in all identifiable cash proceeds of the crop. [1986 c 242 § 3.]

**60.11.040 Claim of lien—Filing—Contents—Duration.** (1) Except as provided in subsection (4) of this section with respect to the lien of a landlord, any lien holder must after the commencement of delivery of such supplies and/or of provision of such services, but before the completion of the harvest of the crops for which the lien is claimed: (a) File a statement evidencing the lien with the department of licensing; and (b) if the lien holder is to be allowed costs, disbursements, and attorneys' fees, mail a copy of such statement to the last known address of the debtor by certified mail, return receipt requested, within ten days.

(2) The statement shall be in writing, signed by the claimant, and shall contain in substance the following information:

- (a) The name and address of the claimant;
- (b) The name and address of the debtor;
- (c) The date of commencement of performance for which the lien is claimed;
- (d) A description of the labor services, materials, or supplies furnished;
- (e) A description of the crop and its location to be charged with the lien sufficient for identification; and
- (f) The signature of the claimant.

(3) The department of licensing may by rule prescribe standard filing forms, fees, and uniform procedures for filing with, and obtaining information from, filing officers, including provisions for filing crop liens together with financing statements filed pursuant to RCW

62A.9-401 so that one request will reveal all filed crop liens and security interests.

(4) Any landlord claiming a lien under this chapter for rent shall file a statement evidencing the lien with the department of licensing. A lien for rent claimed by a landlord pursuant to this chapter shall be effective during the term of the lease for a period of up to five years. A landlord lien covering a lease term longer than five years may be refiled in accordance with RCW 60.11.050(4). A landlord who has a right to a share of the crop may place suppliers on notice by filing evidence of such interest in the same manner as provided for filing a landlord's lien. [1986 c 242 § 4.]

**60.11.050 Priorities of liens and security interests.**

(1) Except as provided in subsections (2), (3), and (4) of this section, conflicting liens and security interests shall rank in accordance with the time of filing.

(2) The lien created in RCW 60.11.020(2) in favor of any person who furnishes any work or labor upon the land of the grower or landowner shall be preferred and prior to any other lien or security interest upon the crops to which they attach including the liens described in subsections (3) and (4) of this section.

(3) A lien or security interest in crops otherwise entitled to priority pursuant to subsection (1) of this section shall be subordinate to a later filed lien or security interest to the extent that obligations secured by such earlier filed security interest or lien were not incurred to produce such crops.

(4) A lien or security interest in crops otherwise entitled to priority pursuant to subsection (1) of this section shall be subordinate to a properly filed landlord's lien. A landlord's lien shall retain its priority if refiled within six months prior to its expiration. [1986 c 242 § 5.]

**60.11.060 Foreclosure of crop lien.** Any lien subject to this chapter, excluded by RCW 62A.9-104 from the provisions of the Uniform Commercial Code, Title 62A RCW, may be foreclosed by an action in the superior court having jurisdiction in the county in which the real property on which the crop in question was grown is situated in accordance with RCW 60.11.070 or it may be foreclosed by summary procedure as provided in RCW 60.11.080. [1986 c 242 § 6.]

**60.11.070 Judicial foreclosure.** The lien holder may proceed upon his or her lien; and if there is a separate obligation in writing to pay the same, secured by the lien, he or she may bring suit upon such separate promise. When he or she proceeds on the promise, if there is a specific agreement therein contained, for the payment of a certain sum or there is a separate obligation for the sum in addition to a decree of sale of lien property, judgment shall be rendered for the amount due upon the promise or other instrument, the payment of which is thereby secured; the decree shall direct the sale of the lien property and if the proceeds of the sale are insufficient under the execution, the sheriff is authorized to levy upon and sell other property of the lien debtor, not

exempt from execution, for the sum remaining unsatisfied. [1986 c 242 § 7.]

**60.11.080 Summary foreclosure.** (1) A lien may be summarily foreclosed by notice and sale as provided in this section. The lien holder may sell or otherwise dispose of the collateral in its existing condition or following any commercially reasonable preparation or processing. The proceeds of disposition shall be applied in the order following to:

(a) The reasonable expenses of retaking, holding, preparing for sale, selling and the like, and to the extent provided for in the agreement and not prohibited by law, the reasonable attorneys' fees and legal expenses incurred by the secured party;

(b) The satisfaction of indebtedness secured by the lien under which the disposition is made;

(c) The satisfaction of indebtedness secured by any subordinate security interest in the collateral if written notification of demand therefor is received before distribution of the proceeds is completed. If requested by the lien holder, the holder of a subordinate security interest must seasonably furnish reasonable proof of his or her interest, and unless he or she does so, the lien holder need not comply with the demand.

(2) The lien holder shall account to the lien debtor for any surplus, and, unless otherwise agreed, the lien debtor is not liable for any deficiency.

(3) Disposition of the collateral may be by public or private proceedings and may be made by way of one or more contracts. Sale or other disposition may be as a unit or in parcels and at any time and place and on any terms but every aspect of the disposition including the method, manner, time, place, and terms must be commercially reasonable. Unless collateral is perishable or threatens to decline quickly in value or is of a type customarily sold on a recognized market, reasonable notification of the time after which any private sale or other intended disposition is to be made shall be sent by the lien holder to the lien debtor, and to any other person who has a duly filed crop lien, or who has a security interest in the collateral and has duly filed a financing statement indexed in the name of the lien debtor in this state, or who is known by the lien holder to have a security interest or crop lien in the collateral. The lien holder may buy at any public sale, and if the collateral is of a type customarily sold in a recognized market or is of a type which is the subject of widely distributed standard price quotations the lien holder may buy at private sale. [1986 c 242 § 8.]

**60.11.090 Rights and interest of purchaser for value.** When a lien is foreclosed in accordance with RCW 60.11.060, the disposition transfers to a purchaser for value all of the lien debtor's right therein and discharges the lien under which it is made and any security interest or lien subordinate thereto. The purchaser takes free of all such rights and interest even though the lien holder fails to comply with the requirements of this chapter or of any judicial proceedings under RCW 60.11.070:



(1) In the case of a public sale, if the purchaser has no knowledge of any defects in the sale and if he or she does not buy in collusion with the lien holder, other bidders, or the person conducting the sale; or

(2) In any other case, if the purchaser acts in good faith. [1986 c 242 § 9.]

**60.11.100 Redemption.** At any time before the lien holder has disposed of collateral or entered into a contract for its disposition under RCW 60.11.060, the lien debtor or any other secured party may redeem the collateral by tendering fulfillment of all obligations secured by the collateral as well as the expenses reasonably incurred by the lien holder in holding and preparing the collateral for disposition and in arranging for the sale and his or her reasonable attorneys' fees and legal expenses. [1986 c 242 § 10.]

**60.11.110 Noncompliance with chapter—Rights of lien debtor.** If the lien holder is not proceeding in accordance with the provisions of this chapter, disposition may be ordered or restrained on appropriate terms and conditions. If the disposition has occurred the lien debtor or any person entitled to notification or whose security interest has been made known to the lien holder prior to the disposition has a right to recover from the lien holder any loss caused by a failure to comply with the provisions of this chapter. [1986 c 242 § 11.]

**60.11.120 "Commercially reasonable."** The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the lien holder is not in itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the lien holder either sells the collateral in the usual manner in any recognized market therefor or if he or she sells at the price current in such market at the time of the sale or if he or she has otherwise sold in conformity with reasonable commercial practices among dealers in the type of property sold he or she has sold in a commercially reasonable manner. A disposition which has been approved in any judicial proceeding or by any bona fide creditors' committee or representative of creditors shall conclusively be deemed to be commercially reasonable, but this does not mean that approval must be obtained in any case nor does it mean that any disposition not so approved is not commercially reasonable.

For purposes of this chapter, "commercially reasonable" shall be construed in a manner consistent with this section. [1986 c 242 § 12.]

**60.11.130 Limitation of action to foreclose—Costs.** Judicial foreclosure or summary procedure as provided in RCW 60.11.060 shall be brought within twenty-four calendar months after filing the claim for lien, except in the case of a landlord lien which shall be twenty-four calendar months from the date of default on the lease, and upon expiration of such time, the claimed lien shall expire. In a judicial foreclosure, the court shall

allow reasonable attorneys' fees and disbursement for establishing a lien. [1986 c 242 § 13.]

**60.11.140 Lien termination statement.** (1) Whenever the total amount of the lien has been fully paid, the lien holder shall, within fifteen days following receipt of full payment, file its lien termination statement with the department of licensing. Failure to file a lien termination statement by the lien holder or the assignee of the lien holder shall cause the lien holder or its assignee to be liable to the debtor for the attorneys' fees and costs incurred by the debtor to have the lien terminated together with damages incurred by the debtor due to the failure of the lien holder to terminate the lien.

(2) There shall be no charge by the department of licensing for entering the lien termination statement and indexing the same and returning a copy of the lien termination statement stamped as "filed" with the filing date thereon.

(3) The department of licensing may enter the lien termination statement on microfilm or other photographic record and destroy all originals of the lien and lien satisfaction filed with him or her. [1986 c 242 § 14.]

**60.11.900 Savings—Liens created under prior law.** Liens created prior to January 1, 1987, which are based on statutes repealed by \*this act, shall remain in effect for the duration provided by the law in effect before January 1, 1987. The department of licensing shall notify persons requesting information for crop liens that, for this transition period, records of crop liens may exist at a county auditor's office as well as at the department of licensing. [1986 c 242 § 15.]

\*Reviser's note: "this act" [1986 c 242] repealed chapters 60.12, 60.14, and 60.22 RCW.

**60.11.901 Section captions.** As used in this chapter, section captions constitute no part of the law. [1986 c 242 § 18.]

**60.11.902 Severability—1986 c 242.** 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. [1986 c 242 § 19.]

**60.11.903 Effective date—1986 c 242.** This act shall take effect January 1, 1987. [1986 c 242 § 21.]

## Chapter 60.12

### LABOR, LANDLORD AND SEED LIENS ON FARM CROPS

#### Sections

60.12.010 through 60.12.210 Repealed. (Effective January 1, 1987.)

**60.12.010 through 60.12.210 Repealed.** (Effective January 1, 1987.) See Supplementary Table of Disposition of Former RCW Sections, this volume.

Chapter 60.13

PROCESSOR AND PREPARER LIENS FOR AGRICULTURAL PRODUCTS

Sections
60.13.035 Notice of preparer lien for dairy products—Proof of lien.

60.13.035 Notice of preparer lien for dairy products—Proof of lien. A person who controls or possesses amounts payable to the preparer of dairy products or the preparer's assigns, if the preparer or preparer's assigns is not a producer—handler, which are properly encumbered by a preparer's lien upon an account receivable shall not be obligated to pay a producer amounts to which the producer's preparer lien has attached until that person receives written notice of such lien, nor shall that person be liable to the producer for any amounts paid out prior to receipt of said notice.

Failure to furnish the written notice as provided in this section shall not affect the status of the lien established under this chapter in regard to the relationship with other creditors. [1986 c 178 § 15.]

Chapter 60.14

LIEN FOR AGRICULTURAL DUSTING OR SPRAYING

Sections
60.14.010 through 60.14.030 Repealed. (Effective January 1, 1987.)

60.14.010 through 60.14.030 Repealed. (Effective January 1, 1987.) See Supplementary Table of Disposition of Former RCW Sections, this volume.

Chapter 60.22

LIEN FOR FURNISHING FERTILIZERS, PESTICIDES, WEED KILLERS

Sections
60.22.010 through 60.22.030 Repealed. (Effective January 1, 1987.)

60.22.010 through 60.22.030 Repealed. (Effective January 1, 1987.) See Supplementary Table of Disposition of Former RCW Sections, this volume.

Chapter 60.24

LIEN FOR LABOR AND SERVICES ON TIMBER AND LUMBER

Sections
60.24.075 Claims—Contents—Form.

Lien under this chapter extends to real property on which labor and services are performed: RCW 60.04.045.

60.24.075 Claims—Contents—Form. Every person, within sixty days after the close of the rendition of the services, or after the close of the work or labor mentioned in the preceding sections, claiming the benefit hereof, must file for record with the county auditor of the county in which such saw logs, spars, piles, and other timber were cut, or in which such lumber or shingles were manufactured, a claim containing a statement of his demand and the amount thereof, after deducting as nearly as possible all just credits and offsets, with the name of the person by whom he was employed, with a statement of the terms and conditions of his contract, if any, and in case there is no express contract, the claim shall state what such service, work, or labor is reasonably worth; and it shall also contain a description of the property to be charged with the lien sufficient for identification with reasonable certainty, which claim must be verified by the oath of himself or some other person to the effect that the affiant believes the same to be true, which claim shall be substantially in the following form:

----- Claimant, vs. -----

Notice is hereby given that ----- of ----- county, state of Washington, claims a lien upon a ----- of -----, being about ----- in quantity, which were cut or manufactured in ----- county, state of Washington, are marked thus -----, and are now lying in -----, for labor performed upon and assistance rendered in ----- said -----; that the name of the owner or reputed owner is -----; that ----- employed said ----- to perform such labor and render such assistance upon the following terms and conditions, to wit:

The said ----- agreed to pay the said ----- for such labor and assistance -----; that said contract has been faithfully performed and fully complied with on the part of said -----, who performed labor upon and assisted in ----- said ----- for the period of -----; that said labor and assistance were so performed and rendered upon said ----- between the ----- day of ----- and the ----- day of -----; and the rendition of said service was closed on the ----- day of -----, and sixty days have not elapsed since that time; that the amount of claimant's demand for said service is -----; that no part thereof has been paid except -----, and there is now due and remaining unpaid thereon, after deducting all just credits and offsets, the sum of -----, in which amount he claims a lien upon said ----- The said ----- also claims a lien on all said ----- now owned by said

----- of said county to secure payment for the work and labor performed in obtaining or securing the said logs, spars, piles, or other timber, lumber, or shingles herein described.

State of Washington, county of ----- ss.  
----- being first duly sworn, on oath says that he is ----- named in the foregoing claim, has heard the same read, knows the contents thereof, and believes the same to be true.

-----  
Subscribed and sworn to before me this ----- day of -----

[1986 c 179 § 2; 1893 c 132 § 7; RRS § 1168. Prior: Code 1881 § 1947; 1879 p 100 § 4; 1877 p 217 § 9. Formerly RCW 60.24.050.]

**Chapter 60.28**  
**LIEN FOR LABOR, MATERIALS, TAXES ON PUBLIC WORKS**

Sections	
60.28.010	Retained percentage—Labor and material lien created—Bond in lieu of retained funds—Termination before completion—Chapter deemed exclusive—Release of ferry contract payments—Projects of farmers home administration.
60.28.015	Recovery from retained percentage—Written notice to contractor of materials furnished.

**60.28.010 Retained percentage—Labor and material lien created—Bond in lieu of retained funds—Termination before completion—Chapter deemed exclusive—Release of ferry contract payments—Projects of farmers home administration.** (1) Contracts for public improvements or work, other than for professional services, by the state, or any county, city, town, district, board, or other public body, herein referred to as "public body", shall provide, and there shall be reserved by the public body from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum not to exceed five percent, said sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or materialman who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor. Every person performing labor or furnishing supplies toward the completion of said improvement or work shall have a lien upon said moneys so reserved: *Provided*, That such notice of the lien of such claimant shall be given in the manner and within the time provided in RCW 39.08.030 as now existing and in accordance with any amendments that may hereafter be made thereto: *Provided further*, That the board, council, commission, trustees, officer or body acting for the state, county or municipality or other public body; (a) at any

time after fifty percent of the original contract work has been completed, if it finds that satisfactory progress is being made, may make any of the partial payments which would otherwise be subsequently made in full; but in no event shall the amount to be retained be reduced to less than five percent of the amount of the moneys earned by the contractor: *Provided*, That the contractor may request that retainage be reduced to one hundred percent of the value of the work remaining on the project; and (b) thirty days after completion and acceptance of all contract work other than landscaping, may release and pay in full the amounts retained during the performance of the contract (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of RCW 60.28.020.

(2) The moneys reserved under the provisions of subsection (1) of this section, at the option of the contractor, shall be:

(a) Retained in a fund by the public body until thirty days following the final acceptance of said improvement or work as completed;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association, not subject to withdrawal until after the final acceptance of said improvement or work as completed, or until agreed to by both parties: *Provided*, That interest on such account shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body until thirty days following the final acceptance of said improvement or work as completed. When the moneys reserved are to be placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. Such check shall be converted into bonds and securities chosen by the contractor and approved by the public body and such bonds and securities shall be held in escrow. Interest on such bonds and securities shall be paid to the contractor as the said interest accrues.

(3) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(4) With the consent of the public body the contractor may submit a bond for all or any portion of the amount of funds retained by the public body in a form acceptable to the public body. Such bond and any proceeds therefrom shall be made subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond

in lieu of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(5) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in such case any amounts retained and accumulated under this section shall be held for a period of thirty days following such acceptance. In the event that the work shall have been terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter 60.28 RCW shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

(6) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, thirty days after completion and final acceptance of each ferry vessel, the department may release and pay in full the amounts retained in connection with the construction of such vessel subject to the provisions of RCW 60.28.020: *Provided*, That the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on such ferry after a period of thirty days following final acceptance of such ferry; and if such taxes are certified or claims filed, recovery may be had on such bond by the department of revenue and the materialmen and laborers filing claims.

(7) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration regulations shall not be subject to subsections (1) through (6) of this section. [1986 c 181 § 6; 1984 c 146 § 1; 1982 c 170 § 1; 1981 c 260 § 14. Prior: 1977 ex.s. c 205 § 1; 1977 ex.s. c 166 § 5; 1975 1st ex.s. c 104 § 1; 1970 ex.s. c 38 § 1; 1969 ex.s. c 151 § 1; 1963 c 238 § 1; 1955 c 236 § 1; 1921 c 166 § 1; RRS § 10320.]

**Severability**—1977 ex.s. c 166: See note following RCW 47.60.650.

**60.28.015 Recovery from retained percentage**—**Written notice to contractor of materials furnished.** Every person, firm, or corporation furnishing materials,

supplies, or equipment to be used in the construction, performance, carrying on, prosecution, or doing of any work for the state, or any county, city, town, district, municipality, or other public body, shall give to the contractor of the work a notice in writing, which notice shall cover the material, supplies, or equipment furnished or leased during the sixty days preceding the giving of such notice as well as all subsequent materials, supplies, or equipment furnished or leased, stating in substance and effect that such person, firm, or corporation is and/or has furnished materials and supplies, or equipment for use thereon, with the name of the subcontractor ordering the same, and that a lien against the retained percentage may be claimed for all materials and supplies, or equipment furnished by such person, firm, or corporation for use thereon, which notice shall be given by (1) mailing the same by registered or certified mail in an envelope addressed to the contractor, or (2) by serving the same personally upon the contractor or the contractor's representative and obtaining evidence of such service in the form of a receipt or other acknowledgement signed by the contractor or the contractor's representative, and no suit or action shall be maintained in any court against the retained percentage to recover for such material, supplies, or equipment or any part thereof unless the provisions of this section have been complied with. [1986 c 314 § 5.]

**Chapter 60.70**

**LIMITATIONS ON NONCONSENSUAL COMMON LAW LIENS**

Sections	
60.70.010	Intent—Definitions.
60.70.020	Real property common law liens unenforceable— Personal property common law liens limited.
60.70.030	No duty to accept filing of common law lien.
60.70.040	No duty to disclose record of common law lien.
60.70.050	Immunity from liability for failure to accept filing or disclose common law lien.

**60.70.010 Intent—Definitions.** (1) It is the intent of this chapter to limit the circumstances in which non-consensual common law liens shall be recognized in this state.

(2) For the purposes of this chapter:

- (a) "Lien" means an encumbrance on property as security for the payment of a debt; and
- (b) "Nonconsensual common law lien" is a lien that:
  - (i) Is recognized now or hereafter under the common law of this state;
  - (ii) Does not depend upon the consent of the owner of the property affected for its existence; and
  - (iii) Is not a court-imposed equitable or constructive lien.

(3) Nothing in this chapter is intended to affect:

- (a) Any lien provided for by statute;
- (b) Any consensual liens now or hereafter recognized under the common law of this state; or
- (c) The ability of courts to impose equitable or constructive liens. [1986 c 181 § 1.]

**60.70.020 Real property common law liens unenforceable—Personal property common law liens limited.** Nonconsensual common law liens against real property shall not be recognized or enforceable. Nonconsensual common law liens claimed against any personal property shall not be recognized or enforceable if, at any time the lien is claimed, the claimant fails to retain actual lawfully acquired possession or exclusive control of the property. [1986 c 181 § 2.]

**60.70.030 No duty to accept filing of common law lien.** No person has a duty to accept for filing or recording any claim of lien unless the lien is authorized by statute or imposed by a court having jurisdiction over property affected by the lien, nor does any person have a duty to reject for filing or recording any claim of lien. [1986 c 181 § 3.]

**60.70.040 No duty to disclose record of common law lien.** No person has a duty to disclose an instrument of record or file that attempts to give notice of a common law lien. This section does not relieve any person of any duty which otherwise may exist to disclose a claim of lien authorized by statute or imposed by order of a court having jurisdiction over property affected by the lien. [1986 c 181 § 4.]

**60.70.050 Immunity from liability for failure to accept filing or disclose common law lien.** A person is not liable for damages arising from a refusal to record or file or a failure to disclose any claim of a common law lien of record. [1986 c 181 § 5.]

## Title 62A

### UNIFORM COMMERCIAL CODE

#### Articles

- 1** General provisions.
- 3** Commercial paper.
- 5** Letters of credit.
- 8** Investment securities.
- 9** Secured transactions; sales of accounts, contract rights and chattel paper.

#### Article 1

### GENERAL PROVISIONS

#### Sections

62A.1-201 General definitions.

**62A.1-201 General definitions.** Subject to additional definitions contained in the subsequent Articles of this Title which are applicable to specific Articles or Parts thereof, and unless the context otherwise requires, in this Title:

(1) "Action" in the sense of a judicial proceeding includes recoupment, counterclaim, set-off, suit in equity and any other proceedings in which rights are determined.

(2) "Aggrieved party" means a party entitled to resort to a remedy.

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this Title (RCW 62A.1-205 and RCW 62A.2-208). Whether an agreement has legal consequences is determined by the provisions of this Title, if applicable; otherwise by the law of contracts (RCW 62A.1-103). (Compare "Contract".)

(4) "Bank" means any person engaged in the business of banking.

(5) "Bearer" means the person in possession of an instrument, document of title, or certificated security payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods, and includes an airbill. "Airbill" means a document serving for air transportation as a bill of lading does for marine or rail transportation, and includes an air consignment note or air waybill.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the triers of fact that the existence of the fact is more probable than its non-existence.

(9) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. All persons who sell minerals or the like (including oil and gas) at wellhead or minehead shall be deemed to be persons in the business of selling goods of that kind. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a pre-existing contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous": A term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. A printed heading in capitals (as: NON-NEGOTIABLE BILL OF LADING) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. But in a telegram any stated term is "conspicuous". Whether a term or clause is "conspicuous" or not is for decision by the court.

(11) "Contract" means the total legal obligation which results from the parties' agreement as affected by this Title and any other applicable rules of law. (Compare "Agreement".)

(12) "Creditor" includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a

trustee in bankruptcy, a receiver in equity and an executor or administrator of an insolvent debtor's or assignor's estate.

(13) "Defendant" includes a person in the position of defendant in a cross-action or counterclaim.

(14) "Delivery" with respect to instruments, documents of title, chattel paper, or certificated securities means voluntary transfer of possession.

(15) "Document of title" includes bill of lading, dock warrant, dock receipt, warehouse receipt or order for the delivery of goods, and also any other document which in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold and dispose of the document and the goods it covers. To be a document of title a document must purport to be issued by or addressed to a bailee and purport to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

(16) "Fault" means wrongful act, omission or breach.

(17) "Fungible" with respect to goods or securities means goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit. Goods which are not fungible shall be deemed fungible for the purposes of this Title to the extent that under a particular agreement or document unlike units are treated as equivalents.

(18) "Genuine" means free of forgery or counterfeiting.

(19) "Good faith" means honesty in fact in the conduct or transaction concerned.

(20) "Holder" means a person who is in possession of a document of title or an instrument or a certificated investment security drawn, issued, or indorsed to him or to his order or to bearer or in blank.

(21) To "honor" is to pay or to accept and pay, or where a credit so engages to purchase or discount a draft complying with the terms of the credit.

(22) "Insolvency proceedings" includes any assignment for the benefit of creditors or other proceedings intended to liquidate or rehabilitate the estate of the person involved.

(23) A person is "insolvent" who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due or is insolvent within the meaning of the federal bankruptcy law.

(24) "Money" means a medium of exchange authorized or adopted by a domestic or foreign government as a part of its currency.

(25) A person has "notice" of a fact when (a) he has actual knowledge of it; or

(b) he has received a notice or notification of it; or

(c) from all the facts and circumstances known to him at the time in question he has reason to know that it exists.

A person "knows" or has "knowledge" of a fact when he has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this Title.

(26) A person "notifies" or "gives" a notice or notification to another by taking such steps as may be reasonably required to inform the other in ordinary course whether or not such other actually comes to know of it. A person "receives" a notice or notification when

(a) it comes to his attention; or

(b) it is duly delivered at the place of business through which the contract was made or at any other place held out by him as the place for receipt of such communications.

(27) Notice, knowledge or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event from the time when it would have been brought to his attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(28) "Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(29) "Party", as distinct from "third party", means a person who has engaged in a transaction or made an agreement within this Title.

(30) "Person" includes an individual or an organization (See RCW 62A.1-102).

(31) "Presumption" or "presumed" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

(32) "Purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or re-issue, gift or any other voluntary transaction creating an interest in property.

(33) "Purchaser" means a person who takes by purchase.

(34) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(35) "Representative" includes an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate, or any other person empowered to act for another.

(36) "Rights" includes remedies.

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (RCW 62A.2-401) is limited in effect to a reservation of a "security interest". The term also includes any interest of a buyer of accounts or

chattel paper which is subject to Article 9. The special property interest of a buyer of goods on identification of such goods to a contract for sale under RCW 62A.2-401 is not a "security interest", but a buyer may also acquire a "security interest" by complying with Article 9. Unless a lease or consignment is intended as security, reservation of title thereunder is not a "security interest" but a consignment is in any event subject to the provisions on consignment sales (RCW 62A.2-326). Whether a lease is intended as security is to be determined by the facts of each case; however, (a) the inclusion of an option to purchase does not of itself make the lease one intended for security, and (b) an agreement that upon compliance with the terms of the lease the lessee shall become or has the option to become the owner of the property for no additional consideration or for a nominal consideration does make the lease one intended for security.

(38) "Send" in connection with any writing or notice means to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and in the case of an instrument to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances. The receipt of any writing or notice within the time at which it would have arrived if properly sent has the effect of a proper sending.

(39) "Signed" includes any symbol executed or adopted by a party with present intention to authenticate a writing.

(40) "Surety" includes guarantor.

(41) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(42) "Term" means that portion of an agreement which relates to a particular matter.

(43) "Unauthorized" signature or indorsement means one made without actual, implied or apparent authority and includes a forgery.

(44) "Value". Except as otherwise provided with respect to negotiable instruments and bank collections (RCW 62A.3-303, RCW 62A.4-208 and RCW 62A.4-209) a person gives "value" for rights if he acquires them

(a) in return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection; or

(b) as security for or in total or partial satisfaction of a preexisting claim; or

(c) by accepting delivery pursuant to a pre-existing contract for purchase; or

(d) generally, in return for any consideration sufficient to support a simple contract.

(45) "Warehouse receipt" means a receipt issued by a person engaged in the business of storing goods for hire.

(46) "Written" or "writing" includes printing, type-writing or any other intentional reduction to tangible form. [1986 c 35 § 53; 1981 c 41 § 2; 1965 ex.s. c 157 § 1-201.]

**Effective date**—1981 c 41: See RCW 62A.11-101.

**Definitions**—Uniform Act for Simplification of Fiduciary Security Transfer: RCW 21.17.010.

### Article 3

## COMMERCIAL PAPER

#### Sections

- 62A.3-515 Checks dishonored by nonacceptance or nonpayment; liability for interest; rate; collection costs and attorneys fees; satisfaction of claim.  
62A.3-520 Statutory form for notice of dishonor.

**62A.3-515 Checks dishonored by nonacceptance or nonpayment; liability for interest; rate; collection costs and attorneys fees; satisfaction of claim.** (1) Whenever a check as defined in RCW 62A.3-104 has been dishonored by nonacceptance or nonpayment the payee or holder of the check is entitled to collect a reasonable handling fee for each such instrument. When such check has not been paid within fifteen days and after the holder of such check sends such notice of dishonor as provided by RCW 62A.3-520 to the drawer at his last known address, then if the instrument does not provide for the payment of interest, or collection costs and attorneys fees, the drawer of such instrument shall also be liable for payment of interest at the rate of twelve percent per annum from the date of dishonor and cost of collection not to exceed forty dollars or the face amount of the check, whichever is the lesser. In addition, in the event of court action on the check the court, after such notice and the expiration of said fifteen days, shall award a reasonable attorneys fee, and three times the face amount of the check or one hundred dollars, whichever is less, as part of the damages payable to the holder of the check. This section shall not apply to any instrument which has been dishonored by reason of any justifiable stop payment order.

(2)(a) Subsequent to the commencement of the action but prior to the hearing, the defendant may tender to the plaintiff as satisfaction of the claim, an amount of money equal to the sum of the amount of the check, a reasonable handling fee, accrued interest, collection costs equal to the face amount of the check not to exceed forty dollars, and the incurred court and service costs.

(b) Nothing in this section precludes the right to commence action in any court under chapter 12.40 RCW for small claims. [1986 c 128 § 1; 1981 c 254 § 1; 1969 c 62 § 1; 1967 ex.s. c 23 § 1.]

**Savings—Severability**—1967 ex.s. c 23: See notes following RCW 19.52.005.

**62A.3-520 Statutory form for notice of dishonor.** The notice of dishonor shall be sent by mail to the drawer at his or her last known address, and said notice shall be substantially in the following form:

#### NOTICE OF DISHONOR OF CHECK

A check drawn by you and made payable by you to \_\_\_\_\_ in the amount of \_\_\_\_\_ has not been accepted for payment by \_\_\_\_\_, which is the

drawee bank designated on your check. This check is dated \_\_\_\_\_, and it is numbered, No. \_\_\_\_\_.

You are CAUTIONED that unless you pay the amount of this check within fifteen days after the date this letter is postmarked, you may very well have to pay the following additional amounts:

(1) Costs of collecting the amount of the check, including an attorney's fee which will be set by the court;

(2) Interest on the amount of the check which shall accrue at the rate of twelve percent per annum from the date of dishonor; and

(3) One hundred dollars or three times the face amount of the check, whichever is less, by award of the court.

You are advised to make your payment to \_\_\_\_\_ at the following address: \_\_\_\_\_.

[1986 c 128 § 2; 1981 c 254 § 2; 1969 c 62 § 2.]

## Article 5

### LETTERS OF CREDIT

#### Sections

62A.5-114 Issuer's duty and privilege to honor; right to reimbursement.

**62A.5-114 Issuer's duty and privilege to honor; right to reimbursement.** (1) An issuer must honor a draft or demand for payment which complies with the terms of the relevant credit regardless of whether the goods or documents conform to the underlying contract for sale or other contract between the customer and the beneficiary. The issuer is not excused from honor of such a draft or demand by reason of an additional general term that all documents must be satisfactory to the issuer, but an issuer may require that specified documents must be satisfactory to it.

(2) Unless otherwise agreed when documents appear on their face to comply with the terms of a credit but a required document does not in fact conform to the warranties made on negotiation or transfer of a document of title (RCW 62A.7-507) or of a certificated security (RCW 62A.8-306) or is forged or fraudulent or there is fraud in the transaction:

(a) the issuer must honor the draft or demand for payment if honor is demanded by a negotiating bank or other holder of the draft or demand which has taken the draft or demand under the credit and under circumstances which would make it a holder in due course (RCW 62A.3-302) and in an appropriate case would make it a person to whom a document of title has been duly negotiated (RCW 62A.7-502) or a bona fide purchaser of a certificated security (RCW 62A.8-302); and

(b) in all other cases as against its customer, an issuer acting in good faith may honor the draft or demand for payment despite notification from the customer of fraud, forgery or other defect not apparent on the face of the documents but a court of appropriate jurisdiction may enjoin such honor.

[1986 RCW Supp—page 486]

(3) Unless otherwise agreed an issuer which has duly honored a draft or demand for payment is entitled to immediate reimbursement of any payment made under the credit and to be put in effectively available funds not later than the day before maturity of any acceptance made under the credit.

(4) When a credit provides for payment by the issuer on receipt of notice that the required documents are in the possession of a correspondent or other agent of the issuer

(a) any payment made on receipt of such notice is conditional; and

(b) the issuer may reject documents which do not comply with the credit if it does so within three banking days following its receipt of the documents; and

(c) in the event of such rejection, the issuer is entitled by charge back or otherwise to return of the payment made.

(5) In the case covered by subsection (4) failure to reject documents within the time specified in subparagraph (b) constitutes acceptance of the documents and makes the payment final in favor of the beneficiary. [1986 c 35 § 54; 1965 ex.s. c 157 § 5-114.]

## Article 8

### INVESTMENT SECURITIES

#### Sections

62A.8-102 Definitions and index of definitions.  
 62A.8-103 Issuer's lien.  
 62A.8-104 Effect of overissue; "overissue".  
 62A.8-105 Certificated securities negotiable; statements and instructions not negotiable; presumptions.  
 62A.8-106 Applicability.  
 62A.8-107 Securities transferable; action for price.  
 62A.8-108 Registration of pledge and release of uncertificated securities.  
 62A.8-201 "Issuer".  
 62A.8-202 Issuer's responsibility and defenses; notice of defect or defense.  
 62A.8-203 Staleness as notice of defects or defenses.  
 62A.8-204 Effect of issuer's restrictions on transfer.  
 62A.8-205 Effect of unauthorized signature on certificated security or initial transaction statement.  
 62A.8-206 Completion or alteration of certificated security or initial transaction statement.  
 62A.8-207 Rights and duties of issuer with respect to registered owners and registered pledgees.  
 62A.8-208 Effect of signature of authenticating trustee, registrar, or transfer agent.  
 62A.8-301 Rights acquired by purchaser or transferee.  
 62A.8-302 "Bona fide purchaser"; "adverse claim"; title acquired by bona fide purchaser.  
 62A.8-303 "Broker".  
 62A.8-304 Notice to purchaser of adverse claims.  
 62A.8-305 Staleness as notice of adverse claims.  
 62A.8-306 Warranties on presentment and transfer of certificated securities; warranties of originators of instructions.  
 62A.8-307 Effect of delivery without indorsement; right to compel indorsement.  
 62A.8-308 Indorsements; instructions.  
 62A.8-309 Effect of indorsement without delivery.  
 62A.8-310 Indorsement of certificated security in bearer form.  
 62A.8-311 Effect of unauthorized indorsement or instruction.  
 62A.8-312 Effect of guaranteeing signature, indorsement, or instruction.  
 62A.8-313 When transfer to purchaser occurs; financial intermediary as bona fide purchaser; "financial intermediary".



62A.8-314	Duty to transfer, when completed.
62A.8-315	Action against transferee based upon wrongful transfer.
62A.8-316	Purchaser's right to requisites for registration of transfer, pledge, or release on books.
62A.8-317	Creditors' rights.
62A.8-318	No conversion by good faith conduct.
62A.8-319	Statute of frauds.
62A.8-320	Transfer, pledge, or release within central depository system.
62A.8-321	Enforceability, attachment, perfection, and termination of security interests.
62A.8-401	Duty of issuer to register transfer, pledge, or release.
62A.8-402	Assurance that indorsements and instructions are effective.
62A.8-403	Issuer's duty as to adverse claims.
62A.8-404	Liability and non-liability for registration.
62A.8-405	Lost, destroyed, and stolen certificated securities.
62A.8-406	Duty of authenticating trustee, transfer agent, or registrar.
62A.8-407	Exchangeability of securities.
62A.8-408	Statements of uncertificated securities.

### 62A.8-102 Definitions and index of definitions. (1)

In this Article, unless the context otherwise requires:

(a) A "certificated security" is a share, participation, or other interest in property of or an enterprise of the issuer or an obligation of the issuer which is

(i) represented by an instrument issued in bearer or registered form;

(ii) of a type commonly dealt in on securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment; and

(iii) either one of a class or series or by its terms divisible into a class or series of shares, participations, interests, or obligations.

(b) An "uncertificated security" is a share, participation, or other interest in property or an enterprise of the issuer or an obligation of the issuer which is

(i) not represented by an instrument and the transfer of which is registered upon books maintained for that purpose by or on behalf of the issuer;

(ii) of a type commonly dealt in on securities exchanges or markets; and

(iii) either one of a class or series or by its terms divisible into a class or series of shares, participations, interests, or obligations.

(c) A "security" is either a certificated or an uncertificated security. If a security is certificated, the terms "security" and "certificated security" may mean either the intangible interest, the instrument representing that interest, or both, as the context requires. A writing that is a certificated security is governed by this Article and not by Article 3, even though it also meets the requirements of that Article. This Article does not apply to money. If a certificated security has been retained by or surrendered to the issuer or its transfer agent for reasons other than registration of transfer, other temporary purpose, payment, exchange, or acquisition by the issuer, that security shall be treated as an uncertificated security for purposes of this Article.

(d) A certificated security is in "registered form" if

(i) it specifies a person entitled to the security or the rights it represents, and

(ii) its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer, or the security so states.

(e) A certificated security is in "bearer form" if it runs to bearer according to its terms and not by reason of any indorsement.

(2) A "subsequent purchaser" is a person who takes other than by original issue.

(3) A "clearing corporation" is a corporation registered as a "clearing agency" under the federal securities laws or a corporation:

(a) At least 90 percent of whose capital stock is held by or for one or more organizations, none of which, other than a national securities exchange or association, holds in excess of 20 percent of the capital stock of the corporation, and each of which is

(i) subject to supervision or regulation pursuant to the provisions of federal or state banking laws or state insurance laws,

(ii) a broker or dealer or investment company registered under the federal securities laws, or

(iii) a national securities exchange or association registered under the federal securities laws; and

(b) Any remaining capital stock of which is held by individuals who have purchased it at or prior to the time of their taking office as directors of the corporation and who have purchased only so much of the capital stock as is necessary to permit them to qualify as directors.

(4) A "custodian bank" is a bank or trust company that is supervised and examined by state or federal authority having supervision over banks and is acting as custodian for a clearing corporation.

(5) Other definitions applying to this Article or to specified Parts thereof and the sections in which they appear are:

"Adverse claim". RCW 62A.8-302.

"Bona fide purchaser". RCW 62A.8-302.

"Broker". RCW 62A.8-303.

"Debtor". RCW 62A.9-105.

"Financial intermediary". RCW 62A.8-313.

"Guarantee of the signature". RCW 62A.8-402.

"Initial transaction statement". RCW 62A.8-408.

"Instruction". RCW 62A.8-308.

"Intermediary bank". RCW 62A.4-105.

"Issuer". RCW 62A.8-201.

"Overissue". RCW 62A.8-104.

"Secured party". RCW 62A.9-105.

"Security agreement". RCW 62A.9-105.

(6) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article. [1986 c 35 § 1; 1973 c 98 § 1; 1965 ex.s. c 157 § 8-102. Cf. former RCW 62.01-.001; 1955 c 35 § 62.01.001; prior: 1899 c 149 § 1; RRS § 3392.]

**62A.8-103 Issuer's lien.** A lien upon a security in favor of an issuer thereof is valid against a purchaser only if:

(a) the security is certificated and the right of the issuer to the lien is noted conspicuously thereon; or

(b) the security is uncertificated and a notation of the right of the issuer to the lien is contained in the initial transaction statement sent to the purchaser or, if his interest is transferred to him other than by registration of transfer, pledge, or release, the initial transaction statement sent to the registered owner or the registered pledgee. [1986 c 35 § 2; 1965 ex.s. c 157 § 8-103. Cf. former RCW 23.80.150; 1939 c 100 § 15; RRS § 3803-115; formerly RCW 23.20.140.]

**62A.8-104 Effect of overissue; "overissue".** (1) The provisions of this Article which validate a security or compel its issue or reissue do not apply to the extent that validation, issue, or reissue would result in overissue; but if:

(a) an identical security which does not constitute an overissue is reasonably available for purchase, the person entitled to issue or validation may compel the issuer to purchase the security for him and either to deliver a certificated security or to register the transfer of an uncertificated security to him, against surrender of any certificated security he holds; or

(b) a security is not so available for purchase, the person entitled to issue or validation may recover from the issuer the price he or the last purchaser for value paid for it with interest from the date of his demand.

(2) "Overissue" means the issue of securities in excess of the amount the issuer has corporate power to issue. [1986 c 35 § 3; 1965 ex.s. c 157 § 8-104.]

*Corporations—Purchase of own shares: RCW 23A.08.030.*

**62A.8-105 Certificated securities negotiable; statements and instructions not negotiable; presumptions.** (1) Certificated securities governed by this Article are negotiable instruments.

(2) Statements (RCW 62A.8-408), notices, or the like, sent by the issuer of uncertificated securities and instructions (RCW 62A.8-308) are neither negotiable instruments nor certificated securities.

(3) In any action on a security:

(a) unless specifically denied in the pleadings, each signature on a certificated security, in a necessary indorsement, on an initial transaction statement, or on an instruction, is admitted;

(b) if the effectiveness of a signature is put in issue, the burden of establishing it is on the party claiming under the signature, but the signature is presumed to be genuine or authorized;

(c) if signatures on a certificated security are admitted or established, production of the security entitles a holder to recover on it unless the defendant establishes a defense or a defect going to the validity of the security;

(d) if signatures on an initial transaction statement are admitted or established, the facts stated in the statement are presumed to be true as of the time of its issuance; and

(e) after it is shown that a defense or defect exists, the plaintiff has the burden of establishing that he or some person under whom he claims is a person against whom the defense or defect is ineffective (RCW 62A.8-202).

[1986 c 35 § 4; 1965 ex.s. c 157 § 8-105. Cf. former RCW 62.01.001; 1955 c 35 § 62.01.001; prior: 1899 c 149 § 1; RRS § 3392.]

**62A.8-106 Applicability.** The law (including the conflict of laws rules) of the jurisdiction of organization of the issuer governs the validity of a security, the effectiveness of registration by the issuer, and the rights and duties of the issuer with respect to:

(a) registration of transfer of a certificated security;

(b) registration of transfer, pledge, or release of an uncertificated security; and

(c) sending of statements of uncertificated securities. [1986 c 35 § 5; 1965 ex.s. c 157 § 8-106.]

*Territorial application of Uniform Act for Simplification of Fiduciary Security Transfers: RCW 21.17.080.*

**62A.8-107 Securities transferable; action for price.**

(1) Unless otherwise agreed and subject to any applicable law or regulation respecting short sales, a person obligated to transfer securities may transfer any certificated security of the specified issue in bearer form or registered in the name of the transferee, or indorsed to him or in blank, or he may transfer an equivalent uncertificated security to the transferee or a person designated by the transferee.

(2) If the buyer fails to pay the price as it comes due under a contract of sale, the seller may recover the price of:

(a) certificated securities accepted by the buyer;

(b) uncertificated securities that have been transferred to the buyer or a person designated by the buyer; and

(c) other securities if efforts at their resale would be unduly burdensome or if there is no readily available market for their resale. [1986 c 35 § 6; 1965 ex.s. c 157 § 8-107.]

**62A.8-108 Registration of pledge and release of uncertificated securities.** A security interest in an uncertificated security may be evidenced by the registration of pledge to the secured party or a person designated by him. There can be no more than one registered pledge of an uncertificated security at any time. The registered owner of an uncertificated security is the person in whose name the security is registered, even if the security is subject to a registered pledge. The rights of a registered pledgee of an uncertificated security under this Article are terminated by the registration of release. [1986 c 35 § 7.]

**62A.8-201 "Issuer".** (1) With respect to obligations on or defenses to a security, "issuer" includes a person who:

(a) places or authorizes the placing of his name on a certificated security (otherwise than as authenticating trustee, registrar, transfer agent, or the like) to evidence that it represents a share, participation, or other interest in his property or in an enterprise, or to evidence his duty to perform an obligation represented by the certificated security;

(b) creates shares, participations or other interests in his property or in an enterprise or undertakes obligations, which shares, participations, interests, or obligations are uncertificated securities;

(c) directly or indirectly creates fractional interests in his rights or property, which fractional interests are represented by certificated securities; or

(d) becomes responsible for or in place of any other person described as an issuer in this section.

(2) With respect to obligations on or defenses to a security, a guarantor is an issuer to the extent of his guaranty, whether or not his obligation is noted on a certificated security or on statements of uncertificated securities sent pursuant to RCW 62A.8-408.

(3) With respect to registration of transfer, pledge, or release (Part 4 of this Article), "issuer" means a person on whose behalf transfer books are maintained. [1986 c 35 § 8; 1965 ex.s. c 157 § 8-201. Cf. former RCW sections: RCW 62.01.029, and 62.01.060 through 62.01.062; 1955 c 35 §§ 62.01.029, and 62.01.060 through 62.01.062; prior: 1899 c 149 §§ 29, and 60 through 62; RRS §§ 3420, and 3451 through 3453.]

*Corporations, effect of merger or consolidation: RCW 23A.20.060. Securities Act, issuer: RCW 21.20.005(7).*

**62A.8-202 Issuer's responsibility and defenses; notice of defect or defense.** (1) Even against a purchaser for value and without notice, the terms of a security include:

(a) if the security is certificated, those stated on the security;

(b) if the security is uncertificated, those contained in the initial transaction statement sent to such purchaser, or if his interest is transferred to him other than by registration of transfer, pledge, or release, the initial transaction statement sent to the registered owner or registered pledgee; and

(c) those made part of the security by reference, on the certificated security or in the initial transaction statement, to another instrument, indenture, or document or to a constitution, statute, ordinance, rule, regulation, order or the like, to the extent that the terms referred to do not conflict with the terms stated on the certificated security or contained in the statement. A reference under this paragraph does not of itself charge a purchaser for value with notice of a defect going to the validity of the security, even though the certificated security or statement expressly states that a person accepting it admits notice.

(2) A certificated security in the hands of a purchaser for value or an uncertificated security as to which an initial transaction statement has been sent to a purchaser for value, other than a security issued by a government or governmental agency or unit, even though issued with a defect going to its validity, is valid with respect to the purchaser if he is without notice of the particular defect unless the defect involves a violation of constitutional provisions, in which case the security is valid with respect to a subsequent purchaser for value and without notice of the defect.

This subsection applies to an issuer that is a government or governmental agency or unit only if either there

has been substantial compliance with the legal requirements governing the issue or the issuer has received a substantial consideration for the issue as a whole or for the particular security and a stated purpose of the issue is one for which the issuer has power to borrow money or issue the security.

(3) Except as provided in the case of certain unauthorized signatures (RCW 62A.8-205), lack of genuineness of a certificated security or an initial transaction statement is a complete defense, even against a purchaser for value and without notice.

(4) All other defenses of the issuer of a certificated or uncertificated security, including nondelivery and conditional delivery of a certificated security, are ineffective against a purchaser for value who has taken without notice of the particular defense.

(5) Nothing in this section shall be construed to affect the right of a party to a "when, as and if issued" or a "when distributed" contract to cancel the contract in the event of a material change in the character of the security that is the subject of the contract or in the plan or arrangement pursuant to which the security is to be issued or distributed. [1986 c 35 § 9; 1965 ex.s. c 157 § 8-202. Cf. former RCW sections: RCW 62.01.016, 62.01.023, 62.01.028, 62.01.056, 62.01.057, and 62.01.060 through 62.01.062; 1955 c 35 §§ 62.01.016, 62.01.023, 62.01.028, 62.01.056, 62.01.057, and 62.01.060 through 62.01.062; prior: 1899 c 149 §§ 16, 23, 28, 56, 57, and 60 through 62; RRS §§ 3407, 3414, 3419, 3447, 3448, and 3451 through 3453.]

**62A.8-203 Staleness as notice of defects or defenses.**

(1) After an act or event creating a right to immediate performance of the principal obligation represented by a certificated security or that sets a date on or after which the security is to be presented or surrendered for redemption or exchange, a purchaser is charged with notice of any defect in its issue or defense of the issuer if:

(a) the act or event is one requiring the payment of money, the delivery of certificated securities, the registration of transfer of uncertificated securities, or any of these on presentation or surrender of the certificated security, the funds or securities are available on the date set for payment or exchange, and he takes the security more than one year after that date; and

(b) the act or event is not covered by paragraph (a) and he takes the security more than 2 years after the date set for surrender or presentation or the date on which performance became due.

(2) A call that has been revoked is not within subsection (1). [1986 c 35 § 10; 1965 ex.s. c 157 § 8-203. Cf. former RCW sections: RCW 62.01.052(2) and 62.01.053; 1955 c 35 §§ 62.01.052 and 62.01.053; prior: 1899 c 149 §§ 52 and 53; RRS §§ 3443 and 3444.]

**62A.8-204 Effect of issuer's restrictions on transfer.**

A restriction on transfer of a security imposed by the issuer, even though otherwise lawful, is ineffective against any person without actual knowledge of it unless:

(a) the security is certificated and the restriction is noted conspicuously thereon; or

(b) the security is uncertificated and a notation of the restriction is contained in the initial transaction statement sent to the person or, if his interest is transferred to him other than by registration of transfer, pledge, or release, the initial transaction statement sent to the registered owner or the registered pledgee. [1986 c 35 § 11; 1965 ex.s. c 157 § 8-204. Cf. former RCW 23.80.150; 1939 c 100 § 15; RRS § 3803-115; formerly RCW 23.20.160.]

*Corporations—Stock certificates—Limitations: RCW 23A.08.190.*

**62A.8-205 Effect of unauthorized signature on certificated security or initial transaction statement.** An unauthorized signature placed on a certificated security prior to or in the course of issue or placed on an initial transaction statement is ineffective, but the signature is effective in favor of a purchaser for value of the certificated security or a purchaser for value of an uncertificated security to whom such initial transaction statement has been sent, if the purchaser is without notice of the lack of authority and the signing has been done by:

(a) an authenticating trustee, registrar, transfer agent, or other person entrusted by the issuer with the signing of the security, of similar securities, or of initial transaction statements or the immediate preparation for signing of any of them; or

(b) an employee of the issuer, or of any of the foregoing, entrusted with responsible handling of the security or initial transaction statement. [1986 c 35 § 12; 1965 ex.s. c 157 § 8-205. Cf. former RCW 62.01.023; 1955 c 35 § 62.01.023; prior: 1899 c 149 § 23; RRS § 3414.]

**62A.8-206 Completion or alteration of certificated security or initial transaction statement.** (1) If a certificated security contains the signatures necessary to its issue or transfer but is incomplete in any other respect:

(a) any person may complete it by filling in the blanks as authorized; and

(b) even though the blanks are incorrectly filled in, the security as completed is enforceable by a purchaser who took it for value and without notice of the incorrectness.

(2) A complete certificated security that has been improperly altered, even though fraudulently, remains enforceable, but only according to its original terms.

(3) If an initial transaction statement contains the signatures necessary to its validity, but is incomplete in any other respect:

(a) any person may complete it by filling in the blanks as authorized; and

(b) even though the blanks are incorrectly filled in, the statement as completed is effective in favor of the person to whom it is sent if he purchased the security referred to therein for value and without notice of the incorrectness.

(4) A complete initial transaction statement that has been improperly altered, even though fraudulently, is effective in favor of a purchaser to whom it has been sent, but only according to its original terms. [1986 c 35 § 13;

1965 ex.s. c 157 § 8-206. Cf. former RCW sections: (i) RCW 23.80.160; 1939 c 100 § 16; RRS § 3803-116; formerly RCW 23.20.170. (ii) RCW 62.01.014, 62.01.015, and 62.01.124; 1955 c 35 §§ 62.01.014, 62.01.015, and 62.01.124; prior: 1899 c 149 §§ 14, 15, and 124; RRS §§ 3405, 3406, and 3514.]

**62A.8-207 Rights and duties of issuer with respect to registered owners and registered pledgees.** (1) Prior to due presentment for registration of transfer of a certificated security in registered form, the issuer or indenture trustee may treat the registered owner as the person exclusively entitled to vote, to receive notifications, and otherwise to exercise all the rights and powers of an owner.

(2) Subject to the provisions of subsections (3), (4), and (6), the issuer or indenture trustee may treat the registered owner of an uncertificated security as the person exclusively entitled to vote, to receive notifications, and otherwise to exercise all the rights and powers of an owner.

(3) The registered owner of an uncertificated security that is subject to a registered pledge is not entitled to registration of transfer prior to the due presentment to the issuer of a release instruction. The exercise of conversion rights with respect to a convertible uncertificated security is a transfer within the meaning of this section.

(4) Upon due presentment of a transfer instruction from the registered pledgee of an uncertificated security, the issuer shall:

(a) register the transfer of the security to the new owner free of pledge, if the instruction specifies a new owner (who may be the registered pledgee) and does not specify a pledgee;

(b) register the transfer of the security to the new owner subject to the interest of the existing pledgee, if the instruction specifies a new owner and the existing pledgee; or

(c) register the release of the security from the existing pledge and register the pledge of the security to the other pledgee, if the instruction specifies the existing owner and another pledgee.

(5) Continuity of perfection of a security interest is not broken by registration of transfer under subsection (4)(b) or by registration of release and pledge under subsection (4)(c), if the security interest is assigned.

(6) If an uncertificated security is subject to a registered pledge:

(a) any uncertificated securities issued in exchange for or distributed with respect to the pledged security shall be registered subject to the pledge;

(b) any certificated securities issued in exchange for or distributed with respect to the pledged security shall be delivered to the registered pledgee; and

(c) any money paid in exchange for or in redemption of part or all of the security shall be paid to the registered pledgee.

(7) Nothing in this Article shall be construed to affect the liability of the registered owner of a security for calls, assessments, or the like. [1986 c 35 § 14; 1965 ex.s. c 157 § 8-207. Cf. former RCW 23.80.020 and

23.80.030; 1939 c 100 §§ 2 and 3; RRS §§ 3803-102, and 3803-103; formerly RCW 23.20.030 and 23.20.040.]

**62A.8-208 Effect of signature of authenticating trustee, registrar, or transfer agent.** (1) A person placing his signature upon a certificated security or an initial transaction statement as authenticating trustee, registrar, transfer agent, or the like, warrants to a purchaser for value of the certificated security or a purchaser for value of an uncertificated security to whom the initial transaction statement has been sent, if the purchaser is without notice of the particular defect, that:

(a) the certificated security or initial transaction statement is genuine;

(b) his own participation in the issue or registration of the transfer, pledge, or release of the security is within his capacity and within the scope of the authority received by him from the issuer; and

(c) he has reasonable grounds to believe that the security is in the form and within the amount the issuer is authorized to issue.

(2) Unless otherwise agreed, a person by so placing his signature does not assume responsibility for the validity of the security in other respects. [1986 c 35 § 15; 1965 ex.s. c 157 § 8-208.]

**62A.8-301 Rights acquired by purchaser or transferee.** (1) Upon transfer of a security to a purchaser (RCW 62A.8-313), the purchaser acquires the rights in the security which his transferor had or had actual authority to convey unless the purchaser's rights are limited by RCW 62A.8-302(4).

(2) A transferee of a limited interest acquires rights only to the extent of the interest transferred. The creation or release of a security interest in a security is the transfer of a limited interest in that security. [1986 c 35 § 16; 1965 ex.s. c 157 § 8-301. Cf. former RCW sections: (i) RCW 23.80.070; 1939 c 100 § 7; RRS § 3803-107; formerly RCW 23.20.080. (ii) RCW 62.01.052; 1955 c 35 § 62.01.052; prior: 1899 c 149 § 52; RRS § 3443. (iii) RCW 62.01.057 through 62.01.059; 1955 c 35 §§ 62.01.057 through 62.01.059; prior: 1899 c 149 §§ 57 through 59; RRS §§ 3448 through 3450.]

**62A.8-302 "Bona fide purchaser"; "adverse claim"; title acquired by bona fide purchaser.** (1) A "bona fide purchaser" is a purchaser for value in good faith and without notice of any adverse claim:

(a) who takes delivery of a certificated security in bearer form or in registered form, issued or indorsed to him or in blank;

(b) to whom the transfer, pledge or release of an uncertificated security is registered on the books of the issuer; or

(c) to whom a security is transferred under the provisions of paragraph (c), (d)(i), or (g) of RCW 62A.8-313(1).

(2) "Adverse claim" includes a claim that a transfer was or would be wrongful or that a particular adverse person is the owner of or has an interest in the security.

(3) A bona fide purchaser in addition to acquiring the rights of a purchaser (RCW 62A.8-301) also acquires his interest in the security free of any adverse claim.

(4) Notwithstanding RCW 62A.8-301(1), the transferee of a particular certificated security who has been a party to any fraud or illegality affecting the security, or who as a prior holder of that certificated security had notice of an adverse claim, cannot improve his position by taking from a bona fide purchaser. [1986 c 35 § 17; 1965 ex.s. c 157 § 8-302. Cf. former RCW sections: (i) RCW 23.80.230(2); 1939 c 100 § 23; RRS § 3803-123. (ii) RCW 62.01.052; 1955 c 35 § 62.01.052; prior: 1899 c 149 § 52; RRS § 3443.]

**62A.8-303 "Broker".** "Broker" means a person engaged for all or part of his time in the business of buying and selling securities, who in the transaction concerned acts for, buys a security from, or sells a security to, a customer. Nothing in this Article determines the capacity in which a person acts for purposes of any other statute or rule to which the person is subject. [1986 c 35 § 18; 1965 ex.s. c 157 § 8-303.]

**62A.8-304 Notice to purchaser of adverse claims.** (1) A purchaser (including a broker for the seller or buyer, but excluding an intermediary bank) of a certificated security is charged with notice of adverse claims if:

(a) the security, whether in bearer or registered form, has been indorsed "for collection" or "for surrender" or for some other purpose not involving transfer; or

(b) the security is in bearer form and has on it an unambiguous statement that it is the property of a person other than the transferor. The mere writing of a name on a security is not such a statement.

(2) A purchaser (including a broker for the seller or buyer, but excluding an intermediary bank) to whom the transfer, pledge, or release of an uncertificated security is registered is charged with notice of adverse claims as to which the issuer has a duty under RCW 62A.8-403(4) at the time of registration and which are noted in the initial transaction statement sent to the purchaser or, if his interest is transferred to him other than by registration of transfer, pledge, or release, the initial transaction statement sent to the registered owner or the registered pledgee.

(3) The fact that the purchaser (including a broker for the seller or buyer) of a certificated or uncertificated security has notice that the security is held for a third person or is registered in the name of or indorsed by a fiduciary does not create a duty of inquiry into the rightfulness of the transfer or constitute constructive notice of adverse claims. However, if the purchaser (excluding an intermediary bank) has knowledge that the proceeds are being used or the transaction is for the individual benefit of the fiduciary or otherwise in breach of duty, the purchaser is charged with notice of adverse claims. [1986 c 35 § 19; 1965 ex.s. c 157 § 8-304. Cf. former RCW sections: RCW 62.01.037 and 62.01.056; 1955 c 35 §§ 62.01.037 and 62.01.056; prior: 1899 c 149 §§ 37 and 56; RRS §§ 3428 and 3447.]

*Security transfers—Nonliability of third persons: RCW 21.17.070(1).*

**62A.8-305 Staleness as notice of adverse claims.** An act or event that creates a right to immediate performance of the principal obligation represented by a certificated security or sets a date on or after which a certificated security is to be presented or surrendered for redemption or exchange does not itself constitute any notice of adverse claims except in the case of a transfer:

(a) after one year from any date set for presentment or surrender for redemption or exchange; or

(b) after 6 months from any date set for payment of money against presentation or surrender of the security if funds are available for payment on that date. [1986 c 35 § 20; 1965 ex.s. c 157 § 8-305. Cf. former RCW sections: RCW 62.01.052(2) and 62.01.053; 1955 c 35 §§ 62.01.052 and 62.01.053; prior: 1899 c 149 §§ 52 and 53; RRS §§ 3443 and 3444.]

**62A.8-306 Warranties on presentment and transfer of certificated securities; warranties of originators of instructions.** (1) A person who presents a certificated security for registration of transfer or for payment or exchange warrants to the issuer that he is entitled to the registration, payment, or exchange. But, a purchaser for value and without notice of adverse claims who receives a new, reissued, or re-registered certificated security on registration of transfer or receives an initial transaction statement confirming the registration of transfer of an equivalent uncertificated security to him warrants only that he has no knowledge of any unauthorized signature (RCW 62A.8-311) in a necessary indorsement.

(2) A person by transferring a certificated security to a purchaser for value warrants only that:

(a) his transfer is effective and rightful;

(b) the security is genuine and has not been materially altered; and

(c) he knows of no fact which might impair the validity of the security.

(3) If a certificated security is delivered by an intermediary known to be entrusted with delivery of the security on behalf of another or with collection of a draft or other claim against delivery, the intermediary by delivery warrants only his own good faith and authority, even though he has purchased or made advances against the claim to be collected against the delivery.

(4) A pledgee or other holder for security who redelivers a certificated security received, or after payment and on order of the debtor delivers that security to a third person, makes only the warranties of an intermediary under subsection (3).

(5) A person who originates an instruction warrants to the issuer that:

(a) he is an appropriate person to originate the instruction; and

(b) at the time the instruction is presented to the issuer he will be entitled to the registration of transfer, pledge, or release.

(6) A person who originates an instruction warrants to any person specially guaranteeing his signature (RCW 62A.8-312(3)) that:

(a) he is an appropriate person to originate the instruction; and

(b) at the time the instruction is presented to the issuer

(i) he will be entitled to the registration of transfer, pledge, or release; and

(ii) the transfer, pledge, or release requested in the instruction will be registered by the issuer free from all liens, security interests, restrictions, and claims other than those specified in the instruction.

(7) A person who originates an instruction warrants to a purchaser for value and to any person guaranteeing the instruction (RCW 62A.8-312(6)) that:

(a) he is an appropriate person to originate the instruction;

(b) the uncertificated security referred to therein is valid; and

(c) at the time the instruction is presented to the issuer

(i) the transferor will be entitled to the registration of transfer, pledge, or release;

(ii) the transfer, pledge, or release requested in the instruction will be registered by the issuer free from all liens, security interests, restrictions, and claims other than those specified in the instruction; and

(iii) the requested transfer, pledge, or release will be rightful.

(8) If a secured party is the registered pledgee or the registered owner of an uncertificated security, a person who originates an instruction of release or transfer to the debtor or, after payment and on order of the debtor, a transfer instruction to a third person, warrants to the debtor or the third person only that he is an appropriate person to originate the instruction and at the time the instruction is presented to the issuer, the transferor will be entitled to the registration of release or transfer. If a transfer instruction to a third person who is a purchaser for value is originated on order of the debtor, the debtor makes to the purchaser the warranties of paragraphs (b), (c)(ii) and (c)(iii) of subsection (7).

(9) A person who transfers an uncertificated security to a purchaser for value and does not originate an instruction in connection with the transfer warrants only that:

(a) his transfer is effective and rightful; and

(b) the uncertificated security is valid.

(10) A broker gives to his customer and to the issuer and a purchaser the applicable warranties provided in this section and has the rights and privileges of a purchaser under this section. The warranties of and in favor of the broker acting as an agent are in addition to applicable warranties given by and in favor of his customer. [1986 c 35 § 21; 1965 ex.s. c 157 § 8-306. Cf. former RCW sections: (i) RCW 23.80.110 and 23.80.120; 1939 c 100 §§ 11 and 12; RRS §§ 3803-111 and 3803-112; formerly RCW 23.20.120 and 23.20.130. (ii) RCW 62.01.065 through 62.01.067, and 62.01.069; 1955 c 35 §§ 62.01.065 through 62.01.067, and 62.01.069; prior: 1899 c 149 §§ 65 through 67, and 69; RRS §§ 3456 through 3458, and 3460.]

**62A.8-307 Effect of delivery without indorsement; right to compel indorsement.** If a certificated security in registered form has been delivered to a purchaser without a necessary indorsement he may become a bona fide purchaser only as of the time the indorsement is supplied; but against the transferor, the transfer is complete upon delivery and the purchaser has a specifically enforceable right to have any necessary indorsement supplied. [1986 c 35 § 22; 1965 ex.s. c 157 § 8-307. Cf. former RCW sections: (i) RCW 23.80.090; 1939 c 100 § 9; RRS § 3803-109; formerly RCW 23.20.100. (ii) RCW 62.01.049; 1955 c 35 § 62.01.049; prior: 1899 c 149 § 49; RRS § 3440.]

**62A.8-308 Indorsements; instructions.** (1) An indorsement of a certificated security in registered form is made when an appropriate person signs on it or on a separate document an assignment or transfer of the security or a power to assign or transfer it or his signature is written without more upon the back of the security.

(2) An indorsement may be in blank or special. An indorsement in blank includes an indorsement to bearer. A special indorsement specifies to whom the security is to be transferred, or who has power to transfer it. A holder may convert a blank indorsement into a special indorsement.

(3) An indorsement purporting to be only of part of a certificated security representing units intended by the issuer to be separately transferable is effective to the extent of the indorsement.

(4) An "instruction" is an order to the issuer of an uncertificated security requesting that the transfer, pledge, or release from pledge of the uncertificated security specified therein be registered.

(5) An instruction originated by an appropriate person is:

- (a) a writing signed by an appropriate person; or
- (b) a communication to the issuer in any form agreed upon in a writing signed by the issuer and an appropriate person.

If an instruction has been originated by an appropriate person but is incomplete in any other respect, any person may complete it as authorized and the issuer may rely on it as completed even though it has been completed incorrectly.

(6) "An appropriate person" in subsection (1) means the person specified by the certificated security or by special indorsement to be entitled to the security.

(7) "An appropriate person" in subsection (5) means:

(a) for an instruction to transfer or pledge an uncertificated security which is then not subject to a registered pledge, the registered owner; or

(b) for an instruction to transfer or release an uncertificated security which is then subject to a registered pledge, the registered pledgee.

(8) In addition to the persons designated in subsections (6) and (7), "an appropriate person" in subsections (1) and (5) includes:

(a) if the person designated is described as a fiduciary but is no longer serving in the described capacity, either that person or his successor;

(b) if the persons designated are described as more than one person as fiduciaries and one or more are no longer serving in the described capacity, the remaining fiduciary or fiduciaries, whether or not a successor has been appointed or qualified;

(c) if the person designated is an individual and is without capacity to act by virtue of death, incompetence, infancy, or otherwise, his executor, administrator, guardian, or like fiduciary;

(d) if the persons designated are described as more than one person as tenants by the entirety or with right of survivorship and by reason of death all cannot sign, the survivor or survivors;

(e) a person having power to sign under applicable law or controlling instrument; and

(f) to the extent that the person designated or any of the foregoing persons may act through an agent, his authorized agent.

(9) Unless otherwise agreed, the indorser of a certificated security by his indorsement or the originator of an instruction by his origination assumes no obligation that the security will be honored by the issuer but only the obligations provided in RCW 62A.8-306.

(10) Whether the person signing is appropriate is determined as of the date of signing and an indorsement made by or an instruction originated by him does not become unauthorized for the purposes of this Article by virtue of any subsequent change of circumstances.

(11) Failure of a fiduciary to comply with a controlling instrument or with the law of the state having jurisdiction of the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer, pledge, or release, does not render his indorsement or an instruction originated by him unauthorized for the purposes of this Article. [1986 c 35 § 23; 1965 ex.s. c 157 § 8-308. Cf. former RCW sections: (i) RCW 23.80.200; 1939 c 100 § 20; RRS § 3803-120; formerly RCW 23.20.200. (ii) RCW 62.01.031 through 62.01.037; 1955 c 35 §§ 62.01.031 through 62.01.037; prior: 1899 c 149 §§ 31 through 37; RRS §§ 3422 through 3428. (iii) RCW 62.01.064 through 62.01.069; 1955 c 35 §§ 62.01.064 through 62.01.069; prior: 1899 c 149 §§ 64 through 69; RRS §§ 3455 through 3460.]

**62A.8-309 Effect of indorsement without delivery.** An indorsement of a certificated security, whether special or in blank, does not constitute a transfer until delivery of the certificated security on which it appears or, if the indorsement is on a separate document, until delivery of both the document and the certificated security. [1986 c 35 § 24; 1965 ex.s. c 157 § 8-309. Cf. former RCW sections: (i) RCW 23.80.010; 1939 c 100 § 1; RRS § 3803-101; prior: 1927 c 206 § 1; Code 1881 § 2429; 1873 p 401 § 9; 1869 p 333 § 9; 1866 p 59 § 9; formerly RCW 23.20.020. (ii) RCW 23.80.100; 1939 c 100 § 10; RRS § 3803-110; formerly RCW 23.20.110. (iii) RCW 62.01.030; 1955 c 35 § 62.01.030; prior: 1899 c 149 § 30; RRS § 3421.]

**62A.8-310 Indorsement of certificated security in bearer form.** An indorsement of a certificated security in

bearer form may give notice of adverse claims (RCW 62A.8-304) but does not otherwise affect any right to registration the holder possesses. [1986 c 35 § 25; 1965 ex.s. c 157 § 8-310. Cf. former RCW 62.01.040; 1955 c 35 § 62.01.040; prior: 1899 c 149 § 40; RRS § 3431.]

**62A.8-311 Effect of unauthorized indorsement or instruction.** Unless the owner or pledgee has ratified an unauthorized indorsement or instruction or is otherwise precluded from asserting its ineffectiveness:

(a) he may assert its ineffectiveness against the issuer or any purchaser, other than a purchaser for value and without notice of adverse claims, who has in good faith received a new, reissued, or re-registered certificated security on registration of transfer or received an initial transaction statement confirming the registration of transfer, pledge, or release of an equivalent uncertificated security to him; and

(b) an issuer who registers the transfer of a certificated security upon the unauthorized indorsement or who registers the transfer, pledge, or release of an uncertificated security upon the unauthorized instruction is subject to liability for improper registration (RCW 62A.8-404). [1986 c 35 § 26; 1965 ex.s. c 157 § 8-311. Cf. former RCW 62.01.023; 1955 c 35 § 62.01.023; prior: 1899 c 149 § 23; RRS § 3414.]

**62A.8-312 Effect of guaranteeing signature, indorsement, or instruction.** (1) Any person guaranteeing a signature of an indorser of a certificated security warrants that at the time of signing:

(a) the signature was genuine;

(b) the signer was an appropriate person to indorse (RCW 62A.8-308); and

(c) the signer had legal capacity to sign.

(2) Any person guaranteeing a signature of the originator of an instruction warrants that at the time of signing:

(a) the signature was genuine;

(b) the signer was an appropriate person to originate the instruction (RCW 62A.8-308) if the person specified in the instruction as the registered owner or registered pledgee of the uncertificated security was, in fact, the registered owner or registered pledgee of such security, as to which fact the signature guarantor makes no warranty;

(c) the signer had legal capacity to sign; and

(d) the taxpayer identification number, if any, appearing on the instruction as that of the registered owner or registered pledgee was the taxpayer identification number of the signer or of the owner or pledgee for whom the signer was acting.

(3) Any person specially guaranteeing the signature of the originator of an instruction makes not only the warranties of a signature guarantor (subsection (2)) but also warrants that at the time the instruction is presented to the issuer:

(a) the person specified in the instruction as the registered owner or registered pledgee of the uncertificated security will be the registered owner or registered pledgee; and

(b) the transfer, pledge, or release of the uncertificated security requested in the instruction will be registered by the issuer free from all liens, security interests, restrictions, and claims other than those specified in the instruction.

(4) The guarantor under subsections (1) and (2) or the special guarantor under subsection (3) does not otherwise warrant the rightfulness of the particular transfer, pledge, or release.

(5) Any person guaranteeing an indorsement of a certificated security makes not only the warranties of a signature guarantor under subsection (1) but also warrants the rightfulness of the particular transfer in all respects.

(6) Any person guaranteeing an instruction requesting the transfer, pledge, or release of an uncertificated security makes not only the warranties of a special signature guarantor under subsection (3) but also warrants the rightfulness of the particular transfer, pledge, or release in all respects.

(7) No issuer may require a special guarantee of signature (subsection (3)), a guarantee of indorsement (subsection (5)), or a guarantee of instruction (subsection (6)) as a condition to registration of transfer, pledge, or release.

(8) The foregoing warranties are made to any person taking or dealing with the security in reliance on the guarantee, and the guarantor is liable to the person for any loss resulting from breach of the warranties. [1986 c 35 § 27; 1965 ex.s. c 157 § 8-312.]

**62A.8-313 When transfer to purchaser occurs; financial intermediary as bona fide purchaser; "financial intermediary".** (1) Transfer of a security or a limited interest (including a security interest) therein to a purchaser occurs only:

(a) at the time he or a person designated by him acquires possession of a certificated security;

(b) at the time the transfer, pledge, or release of an uncertificated security is registered to him or a person designated by him;

(c) at the time his financial intermediary acquires possession of a certificated security specially indorsed to or issued in the name of the purchaser;

(d) at the time a financial intermediary, not a clearing corporation, sends him confirmation of the purchase and also by book entry or otherwise identifies as belonging to the purchaser

(i) a specific certificated security in the financial intermediary's possession;

(ii) a quantity of securities that constitute or are part of a fungible bulk of certificated securities in the financial intermediary's possession or of uncertificated securities registered in the name of the financial intermediary; or

(iii) a quantity of securities that constitute or are part of a fungible bulk of securities shown on the account of the financial intermediary on the books of another financial intermediary;

(e) with respect to an identified certificated security to be delivered while still in the possession of a third



person, not a financial intermediary, at the time that person acknowledges that he holds for the purchaser;

(f) with respect to a specific uncertificated security the pledge or transfer of which has been registered to a third person, not a financial intermediary, at the time that person acknowledges that he holds for the purchaser;

(g) at the time appropriate entries to the account of the purchaser or a person designated by him on the books of a clearing corporation are made under RCW 62A.8-320;

(h) with respect to the transfer of a security interest where the debtor has signed a security agreement containing a description of the security, at the time a written notification, which, in the case of the creation of the security interest, is signed by the debtor (which may be a copy of the security agreement) or which, in the case of the release or assignment of the security interest created pursuant to this paragraph, is signed by the secured party, is received by

(i) a financial intermediary on whose books the interest of the transferor in the security appears;

(ii) a third person, not a financial intermediary, in possession of the security, if it is certificated;

(iii) a third person, not a financial intermediary, who is the registered owner of the security, if it is uncertificated and not subject to a registered pledge; or

(iv) a third person, not a financial intermediary, who is the registered pledgee of the security, if it is uncertificated and subject to a registered pledge;

(i) with respect to the transfer of a security interest where the transferor has signed a security agreement containing a description of the security, at the time new value is given by the secured party; or

(j) with respect to the transfer of a security interest where the secured party is a financial intermediary and the security has already been transferred to the financial intermediary under paragraphs (a), (b), (c), (d), or (g), at the time the transferor has signed a security agreement containing a description of the security and value is given by the secured party.

(2) The purchaser is the owner of a security held for him by a financial intermediary, but cannot be a bona fide purchaser of a security so held except in the circumstances specified in paragraphs (c), (d)(i), and (g) of subsection (1). If a security so held is part of a fungible bulk, as in the circumstances specified in paragraphs (d)(ii) and (d)(iii) of subsection (1), the purchaser is the owner of a proportionate property interest in the fungible bulk.

(3) Notice of an adverse claim received by the financial intermediary or by the purchaser after the financial intermediary takes delivery of a certificated security as a holder for value or after the transfer, pledge, or release of an uncertificated security has been registered free of the claim to a financial intermediary who has given value is not effective either as to the financial intermediary or as to the purchaser. However, as between the financial intermediary and the purchaser the purchaser may demand transfer of an equivalent security as to which no notice of adverse claim has been received.

(4) A "financial intermediary" is a bank, broker, clearing corporation or other person (or the nominee of any of them) which in the ordinary course of its business maintains security accounts for its customers and is acting in that capacity. A financial intermediary may have a security interest in securities held in account for its customer. [1986 c 35 § 28; 1965 ex.s. c 157 § 8-313. Cf. former RCW sections: (i) RCW 23.80.220; 1939 c 100 § 22; RRS § 3803-122; formerly RCW 23.20.010, part. (ii) RCW 62.01.191; 1955 c 35 § 62.01.191; prior: 1899 c 149 § 191; RRS § 3581.]

**62A.8-314 Duty to transfer, when completed.** (1) Unless otherwise agreed, if a sale of a security is made on an exchange or otherwise through brokers:

(a) the selling customer fulfills his duty to transfer at the time he:

(i) places a certificated security in the possession of the selling broker or of a person designated by the broker;

(ii) causes an uncertificated security to be registered in the name of the selling broker or a person designated by the broker;

(iii) if requested, causes an acknowledgment to be made to the selling broker that a certificated or uncertificated security is held for the broker; or

(iv) places in the possession of the selling broker or of a person designated by the broker a transfer instruction for an uncertificated security, providing the issuer does not refuse to register the requested transfer if the instruction is presented to the issuer for registration within 30 days thereafter; and

(b) the selling broker, including a correspondent broker acting for a selling customer, fulfills his duty to transfer at the time he:

(i) places a certificated security in the possession of the buying broker or a person designated by the buying broker;

(ii) causes an uncertificated security to be registered in the name of the buying broker or a person designated by the buying broker;

(iii) places in the possession of the buying broker or of a person designated by the buying broker a transfer instruction for an uncertificated security, providing the issuer does not refuse to register the requested transfer if the instruction is presented to the issuer for registration within 30 days thereafter; or

(iv) effects clearance of the sale in accordance with the rules of the exchange on which the transaction took place.

(2) Except as provided in this section and unless otherwise agreed, a transferor's duty to transfer a security under a contract of purchase is not fulfilled until he:

(a) places a certificated security in form to be negotiated by the purchaser in the possession of the purchaser or of a person designated by the purchaser;

(b) causes an uncertificated security to be registered in the name of the purchaser or a person designated by the purchaser; or

(c) if the purchaser requests, causes an acknowledgment to be made to the purchaser that a certificated or uncertificated security is held for the purchaser.

(3) Unless made on an exchange, a sale to a broker purchasing for his own account is within subsection (2) and not within subsection (1). [1986 c 35 § 29; 1965 ex.s. c 157 § 8-314.]

**62A.8-315 Action against transferee based upon wrongful transfer.** (1) Any person against whom the transfer of a security is wrongful for any reason, including his incapacity, as against anyone except a bona fide purchaser, may:

(a) reclaim possession of the certificated security wrongfully transferred;

(b) obtain possession of any new certificated security representing all or part of the same rights;

(c) compel the origination of an instruction to transfer to him or a person designated by him an uncertificated security constituting all or part of the same rights; or

(d) have damages.

(2) If the transfer is wrongful because of an unauthorized indorsement of a certificated security, the owner may also reclaim or obtain possession of the security or a new certificated security, even from a bona fide purchaser, if the ineffectiveness of the purported indorsement can be asserted against him under the provisions of this Article on unauthorized indorsements (RCW 62A.8-311).

(3) The right to obtain or reclaim possession of a certificated security or to compel the origination of a transfer instruction may be specifically enforced and the transfer of a certificated or uncertificated security enjoined and a certificated security impounded pending the litigation. [1986 c 35 § 30; 1965 ex.s. c 157 § 8-315. Cf. former RCW 23.80.070; 1939 c 100 § 7; RRS § 3803-107; formerly RCW 23.20.080.]

**62A.8-316 Purchaser's right to requisites for registration of transfer, pledge, or release on books.** Unless otherwise agreed, the transferor of a certificated security or the transferor, pledgor, or pledgee of an uncertificated security on due demand must supply his purchaser with any proof of his authority to transfer, pledge, or release or with any other requisite necessary to obtain registration of the transfer, pledge, or release of the security; but if the transfer, pledge, or release is not for value, a transferor, pledgor, or pledgee need not do so unless the purchaser furnishes the necessary expenses. Failure within a reasonable time to comply with a demand made gives the purchaser the right to reject or rescind the transfer, pledge, or release. [1986 c 35 § 31; 1965 ex.s. c 157 § 8-316.]

**62A.8-317 Creditors' rights.** (1) Subject to the exceptions in subsections (3) and (4), no attachment or levy upon a certificated security or any share or other interest represented thereby which is outstanding is valid until the security is actually seized by the officer making the attachment or levy, but a certificated security which has been surrendered to the issuer may be reached by a

creditor by legal process at the issuer's chief executive office in the United States.

(2) An uncertificated security registered in the name of the debtor may not be reached by a creditor except by legal process at the issuer's chief executive office in the United States.

(3) The interest of a debtor in a certificated security that is in the possession of a secured party not a financial intermediary or in an uncertificated security registered in the name of a secured party not a financial intermediary (or in the name of a nominee of the secured party) may be reached by a creditor by legal process upon the secured party.

(4) The interest of a debtor in a certificated security that is in the possession of or registered in the name of a financial intermediary or in an uncertificated security registered in the name of a financial intermediary may be reached by a creditor by legal process upon the financial intermediary on whose books the interest of the debtor appears.

(5) Unless otherwise provided by law, a creditor's lien upon the interest of a debtor in a security obtained pursuant to subsection (3) or (4) is not a restraint on the transfer of the security, free of the lien, to a third party for new value; but in the event of a transfer, the lien applies to the proceeds of the transfer in the hands of the secured party or financial intermediary, subject to any claims having priority.

(6) A creditor whose debtor is the owner of a security is entitled to aid from courts of appropriate jurisdiction, by injunction or otherwise, in reaching the security or in satisfying the claim by means allowed at law or in equity in regard to property that cannot readily be reached by ordinary legal process. [1986 c 35 § 32; 1965 ex.s. c 157 § 8-317. Cf. former RCW sections: RCW 23.80.130 and 23.80.140; 1939 c 100 §§ 13 and 14; RRS §§ 3803-113 and 3803-114; formerly RCW 23.20.140 and 23.20.150.]

**62A.8-318 No conversion by good faith conduct.** An agent or bailee who in good faith (including observance of reasonable commercial standards if he is in the business of buying, selling, or otherwise dealing with securities) has received certificated securities and sold, pledged, or delivered them or has sold or caused the transfer or pledge of uncertificated securities over which he had control according to the instructions of his principal, is not liable for conversion or for participation in breach of fiduciary duty although the principal had no right so to deal with the securities. [1986 c 35 § 33; 1965 ex.s. c 157 § 8-318.]

*Security transfers—Nonliability of third persons: RCW 21.17.070(1).*

**62A.8-319 Statute of frauds.** A contract for the sale of securities is not enforceable by way of action or defense unless:

(a) there is some writing signed by the party against whom enforcement is sought or by his authorized agent or broker, sufficient to indicate that a contract has been

made for sale of a stated quantity of described securities at a defined or stated price;

(b) delivery of a certificated security or transfer instruction has been accepted, or transfer of an uncertificated security has been registered and the transferee has failed to send written objection to the issuer within 10 days after receipt of the initial transaction statement confirming the registration, or payment has been made, but the contract is enforceable under this provision only to the extent of the delivery, registration, or payment;

(c) within a reasonable time a writing in confirmation of the sale or purchase and sufficient against the sender under paragraph (a) has been received by the party against whom enforcement is sought and he has failed to send written objection to its contents within 10 days after its receipt; or

(d) the party against whom enforcement is sought admits in his pleading, testimony, or otherwise in court that a contract was made for the sale of a stated quantity of described securities at a defined or stated price. [1986 c 35 § 34; 1965 ex.s. c 157 § 8-319. Cf. former RCW 63.04.050; 1925 ex.s. c 142 § 4; RRS § 5836-4.]

**62A.8-320 Transfer, pledge, or release within central depository system.** (1) In addition to other methods, a transfer, pledge, or release of a security or any interest therein may be effected by the making of appropriate entries on the books of a clearing corporation reducing the account of the transferor, pledgor, or pledgee and increasing the account of the transferee, pledgee, or pledgor by the amount of the obligation, or the number of shares or rights transferred, pledged, or released, if the security is shown on the account of a transferor, pledgor, or pledgee on the books of the clearing corporation; is subject to the control of the clearing corporation; and

(a) if certificated,

(i) is in the custody of the clearing corporation, another clearing corporation, a custodian bank or a nominee of any of them; and

(ii) is in bearer form or indorsed in blank by an appropriate person or registered in the name of the clearing corporation, a custodian bank, or a nominee of any of them; or

(b) if uncertificated, is registered in the name of the clearing corporation, another clearing corporation, a custodian bank, or a nominee of any of them.

(2) Under this section entries may be made with respect to like securities or interests therein as a part of a fungible bulk and may refer merely to a quantity of a particular security without reference to the name of the registered owner, certificate or bond number, or the like, and, in appropriate cases, may be on a net basis taking into account other transfers, pledges, or releases of the same security.

(3) A transfer under this section is effective (RCW 62A.8-313) and the purchaser acquires the rights of the transferor (RCW 62A.8-301). A pledge or release under this section is the transfer of a limited interest. If a pledge or the creation of a security interest is intended, the security interest is perfected at the time when both

value is given by the pledgee and the appropriate entries are made (RCW 62A.8-321). A transferee or pledgee under this section may be a bona fide purchaser (RCW 62A.8-302).

(4) A transfer or pledge under this section is not a registration of transfer under Part 4.

(5) That entries made on the books of the clearing corporation as provided in subsection (1) are not appropriate does not affect the validity or effect of the entries or the liabilities or obligations of the clearing corporation to any person adversely affected thereby. [1986 c 35 § 35; 1965 ex.s. c 157 § 8-320.]

**62A.8-321 Enforceability, attachment, perfection, and termination of security interests.** (1) A security interest in a security is enforceable and can attach only if it is transferred to the secured party or a person designated by him pursuant to a provision of RCW 62A.8-313(1).

(2) A security interest so transferred pursuant to agreement by a transferor who has rights in the security to a transferee who has given value is a perfected security interest, but a security interest that has been transferred solely under paragraph (i) of RCW 62A.8-313(1) becomes unperfected after 21 days unless, within that time, the requirements for transfer under any other provision of RCW 62A.8-313(1) are satisfied.

(3) A security interest in a security is subject to the provisions of Article 9, but:

(a) no filing is required to perfect the security interest; and

(b) no written security agreement signed by the debtor is necessary to make the security interest enforceable, except as otherwise provided in paragraph (h), (i), or (j) of RCW 62A.8-313(1).

The secured party has the rights and duties provided under RCW 62A.9-207, to the extent they are applicable, whether or not the security is certificated, and, if certificated, whether or not it is in his possession.

(4) Unless otherwise agreed, a security interest in a security is terminated by transfer to the debtor or a person designated by him pursuant to a provision of RCW 62A.8-313(1). If a security is thus transferred, the security interest, if not terminated, becomes unperfected unless the security is certificated and is delivered to the debtor for the purpose of ultimate sale or exchange or presentation, collection, renewal, or registration of transfer. In that case, the security interest becomes unperfected after 21 days unless, within that time, the security (or securities for which it has been exchanged) is transferred to the secured party or a person designated by him pursuant to a provision of RCW 62A.8-313(1). [1986 c 35 § 36.]

**62A.8-401 Duty of issuer to register transfer, pledge, or release.** (1) If a certificated security in registered form is presented to the issuer with a request to register transfer or an instruction is presented to the issuer with a request to register transfer, pledge, or release, the issuer shall register the transfer, pledge, or release as requested if:

(a) the security is indorsed or the instruction was originated by the appropriate person or persons (RCW 62A.8-308);

(b) reasonable assurance is given that those indorsements or instructions are genuine and effective (RCW 62A.8-402);

(c) the issuer has no duty as to adverse claims or has discharged the duty (RCW 62A.8-403);

(d) any applicable law relating to the collection of taxes has been complied with; and

(e) the transfer, pledge, or release is in fact rightful or is to a bona fide purchaser.

(2) If an issuer is under a duty to register a transfer, pledge, or release of a security, the issuer is also liable to the person presenting a certificated security or an instruction for registration or his principal for loss resulting from any unreasonable delay in registration or from failure or refusal to register the transfer, pledge, or release. [1986 c 35 § 37; 1965 ex.s. c 157 § 8-401.]

**62A.8-402 Assurance that indorsements and instructions are effective.** (1) The issuer may require the following assurance that each necessary indorsement of a certificated security or each instruction (RCW 62A.8-308) is genuine and effective:

(a) in all cases, a guarantee of the signature (RCW 62A.8-312 (1) or (2)) of the person indorsing a certificated security or originating an instruction including, in the case of an instruction, a warranty of the taxpayer identification number or, in the absence thereof, other reasonable assurance of identity;

(b) if the indorsement is made or the instruction is originated by an agent, appropriate assurance of authority to sign;

(c) if the indorsement is made or the instruction is originated by a fiduciary, appropriate evidence of appointment or incumbency;

(d) if there is more than one fiduciary, reasonable assurance that all who are required to sign have done so; and

(e) if the indorsement is made or the instruction is originated by a person not covered by any of the foregoing, assurance appropriate to the case corresponding as nearly as may be to the foregoing.

(2) A "guarantee of the signature" in subsection (1) means a guarantee signed by or on behalf of a person reasonably believed by the issuer to be responsible. The issuer may adopt standards with respect to responsibility if they are not manifestly unreasonable.

(3) "Appropriate evidence of appointment or incumbency" in subsection (1) means:

(a) in the case of a fiduciary appointed or qualified by a court, a certificate issued by or under the direction or supervision of that court or an officer thereof and dated within 60 days before the date of presentation for transfer, pledge, or release; or

(b) in any other case, a copy of a document showing the appointment or a certificate issued by or on behalf of a person reasonably believed by the issuer to be responsible or, in the absence of that document or certificate, other evidence reasonably deemed by the issuer to be

appropriate. The issuer may adopt standards with respect to the evidence if they are not manifestly unreasonable. The issuer is not charged with notice of the contents of any document obtained pursuant to this paragraph (b) except to the extent that the contents relate directly to the appointment or incumbency.

(4) The issuer may elect to require reasonable assurance beyond that specified in this section, but if it does so and, for a purpose other than that specified in subsection (3)(b), both requires and obtains a copy of a will, trust, indenture, articles of co-partnership, bylaws, or other controlling instrument, it is charged with notice of all matters contained therein affecting the transfer, pledge, or release. [1986 c 35 § 38; 1965 ex.s. c 157 § 8-402.]

*Fiduciary security transfers—Evidence of appointment or incumbency: RCW 21.17.040.*

**62A.8-403 Issuer's duty as to adverse claims.** (1) An issuer to whom a certificated security is presented for registration shall inquire into adverse claims if:

(a) a written notification of an adverse claim is received at a time and in a manner affording the issuer a reasonable opportunity to act on it prior to the issuance of a new, reissued, or re-registered certificated security, and the notification identifies the claimant, the registered owner, and the issue of which the security is a part, and provides an address for communications directed to the claimant; or

(b) the issuer is charged with notice of an adverse claim from a controlling instrument it has elected to require under RCW 62A.8-402(4).

(2) The issuer may discharge any duty of inquiry by any reasonable means, including notifying an adverse claimant by registered or certified mail at the address furnished by him or, if there be no such address, at his residence or regular place of business that the certificated security has been presented for registration of transfer by a named person, and that the transfer will be registered unless within 30 days from the date of mailing the notification, either:

(a) an appropriate restraining order, injunction, or other process issues from a court of competent jurisdiction; or

(b) there is filed with the issuer an indemnity bond, sufficient in the issuer's judgment to protect the issuer and any transfer agent, registrar, or other agent of the issuer involved from any loss it or they may suffer by complying with the adverse claim.

(3) Unless an issuer is charged with notice of an adverse claim from a controlling instrument which it has elected to require under RCW 62A.8-402(4) or receives notification of an adverse claim under subsection (1), if a certificated security presented for registration is indorsed by the appropriate person or persons the issuer is under no duty to inquire into adverse claims. In particular:

(a) an issuer registering a certificated security in the name of a person who is a fiduciary or who is described as a fiduciary is not bound to inquire into the existence,

extent, or correct description of the fiduciary relationship; and thereafter the issuer may assume without inquiry that the newly registered owner continues to be the fiduciary until the issuer receives written notice that the fiduciary is no longer acting as such with respect to the particular security;

(b) an issuer registering transfer on an indorsement by a fiduciary is not bound to inquire whether the transfer is made in compliance with a controlling instrument or with the law of the state having jurisdiction of the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer; and

(c) the issuer is not charged with notice of the contents of any court record or file or other recorded or unrecorded document even though the document is in its possession and even though the transfer is made on the indorsement of a fiduciary to the fiduciary himself or to his nominee.

(4) An issuer is under no duty as to adverse claims with respect to an uncertificated security except:

(a) claims embodied in a restraining order, injunction, or other legal process served upon the issuer if the process was served at a time and in a manner affording the issuer a reasonable opportunity to act on it in accordance with the requirements of subsection (5);

(b) claims of which the issuer has received a written notification from the registered owner or the registered pledgee if the notification was received at a time and in a manner affording the issuer a reasonable opportunity to act on it in accordance with the requirements of subsection (5);

(c) claims (including restrictions on transfer not imposed by the issuer) to which the registration of transfer to the present registered owner was subject and were so noted in the initial transaction statement sent to him; and

(d) claims as to which an issuer is charged with notice from a controlling instrument it has elected to require under RCW 62A.8-402(4).

(5) If the issuer of an uncertificated security is under a duty as to an adverse claim, he discharges that duty by:

(a) including a notation of the claim in any statements sent with respect to the security under RCW 62A.8-408 (3), (6), and (7); and

(b) refusing to register the transfer or pledge of the security unless the nature of the claim does not preclude transfer or pledge subject thereto.

(6) If the transfer or pledge of the security is registered subject to an adverse claim, a notation of the claim must be included in the initial transaction statement and all subsequent statements sent to the transferee and pledgee under RCW 62A.8-408.

(7) Notwithstanding subsections (4) and (5), if an uncertificated security was subject to a registered pledge at the time the issuer first came under a duty as to a particular adverse claim, the issuer has no duty as to that claim if transfer of the security is requested by the registered pledgee or an appropriate person acting for the registered pledgee unless:

(a) the claim was embodied in legal process which expressly provides otherwise;

(b) the claim was asserted in a written notification from the registered pledgee;

(c) the claim was one as to which the issuer was charged with notice from a controlling instrument it required under RCW 62A.8-402(4) in connection with the pledgee's request for transfer; or

(d) the transfer requested is to the registered owner. [1986 c 35 § 39; 1965 ex.s. c 157 § 8-403.]

*Fiduciary security transfers: Chapter 21.17 RCW.*

**62A.8-404 Liability and non-liability for registration.** (1) Except as provided in any law relating to the collection of taxes, the issuer is not liable to the owner, pledgee, or any other person suffering loss as a result of the registration of a transfer, pledge, or release of a security if:

(a) there were on or with a certificated security the necessary indorsements or the issuer had received an instruction originated by an appropriate person (RCW 62A.8-308); and

(b) the issuer had no duty as to adverse claims or has discharged the duty (RCW 62A.8-403).

(2) If an issuer has registered a transfer of a certificated security to a person not entitled to it, the issuer on demand shall deliver a like security to the true owner unless:

(a) the registration was pursuant to subsection (1);

(b) the owner is precluded from asserting any claim for registering the transfer under RCW 62A.8-405(1); or

(c) the delivery would result in overissue, in which case the issuer's liability is governed by RCW 62A.8-104.

(3) If an issuer has improperly registered a transfer, pledge, or release of an uncertificated security, the issuer on demand from the injured party shall restore the records as to the injured party to the condition that would have obtained if the improper registration had not been made unless:

(a) the registration was pursuant to subsection (1); or

(b) the registration would result in overissue, in which case the issuer's liability is governed by RCW 62A.8-104. [1986 c 35 § 40; 1965 ex.s. c 157 § 8-404.]

**62A.8-405 Lost, destroyed, and stolen certificated securities.** (1) If a certificated security has been lost, apparently destroyed, or wrongfully taken, and the owner fails to notify the issuer of that fact within a reasonable time after he has notice of it and the issuer registers a transfer of the security before receiving notification, the owner is precluded from asserting against the issuer any claim for registering the transfer under RCW 62A.8-404 or any claim to a new security under this section.

(2) If the owner of a certificated security claims that the security has been lost, destroyed, or wrongfully taken, the issuer shall issue a new certificated security

or, at the option of the issuer, an equivalent uncertificated security in place of the original security if the owner:

(a) so requests before the issuer has notice that the security has been acquired by a bona fide purchaser;

(b) files with the issuer a sufficient indemnity bond; and

(c) satisfies any other reasonable requirements imposed by the issuer.

(3) If, after the issue of a new certificated or uncertificated security, a bona fide purchaser of the original certificated security presents it for registration of transfer, the issuer shall register the transfer unless registration would result in overissue, in which event the issuer's liability is governed by RCW 62A.8-104. In addition to any rights on the indemnity bond, the issuer may recover the new certificated security from the person to whom it was issued or any person taking under him except a bona fide purchaser or may cancel the uncertificated security unless a bona fide purchaser or any person taking under a bona fide purchaser is then the registered owner or registered pledgee thereof. [1986 c 35 § 41; 1965 ex.s. c 157 § 8-405. Cf. former RCW 23.80.170; 1939 c 100 § 17; RRS § 3803-117; formerly RCW 23.20.180.]

**62A.8-406 Duty of authenticating trustee, transfer agent, or registrar.** (1) If a person acts as authenticating trustee, transfer agent, registrar, or other agent for an issuer in the registration of transfers of its certificated securities or in the registration of transfers, pledges, and releases of its uncertificated securities, in the issue of new securities, or in the cancellation of surrendered securities:

(a) he is under a duty to the issuer to exercise good faith and due diligence in performing his functions; and

(b) with regard to the particular functions he performs, he has the same obligation to the holder or owner of a certificated security or to the owner or pledgee of an uncertificated security and has the same rights and privileges as the issuer has in regard to those functions.

(2) Notice to an authenticating trustee, transfer agent, registrar or other agent is notice to the issuer with respect to the functions performed by the agent. [1986 c 35 § 42; 1965 ex.s. c 157 § 8-406.]

**62A.8-407 Exchangeability of securities.** (1) No issuer is subject to the requirements of this section unless it regularly maintains a system for issuing the class of securities involved under which both certificated and uncertificated securities are regularly issued to the category of owners, which includes the person in whose name the new security is to be registered.

(2) Upon surrender of a certificated security with all necessary indorsements and presentation of a written request by the person surrendering the security, the issuer, if he has no duty as to adverse claims or has discharged the duty (RCW 62A.8-403), shall issue to the person or a person designated by him an equivalent uncertificated security subject to all liens, restrictions, and claims that were noted on the certificated security.

(3) Upon receipt of a transfer instruction originated by an appropriate person who so requests, the issuer of an uncertificated security shall cancel the uncertificated security and issue an equivalent certificated security on which must be noted conspicuously any liens and restrictions of the issuer and any adverse claims (as to which the issuer has a duty under RCW 62A.8-403(4)) to which the uncertificated security was subject. The certificated security shall be registered in the name of and delivered to:

(a) the registered owner, if the uncertificated security was not subject to a registered pledge; or

(b) the registered pledgee, if the uncertificated security was subject to a registered pledge. [1986 c 35 § 43.]

**62A.8-408 Statements of uncertificated securities.**

(1) Within 2 business days after the transfer of an uncertificated security has been registered, the issuer shall send to the new registered owner and, if the security has been transferred subject to a registered pledge, to the registered pledgee a written statement containing:

(a) a description of the issue of which the uncertificated security is a part;

(b) the number of shares or units transferred;

(c) the name and address and any taxpayer identification number of the new registered owner and, if the security has been transferred subject to a registered pledge, the name and address and any taxpayer identification number of the registered pledgee;

(d) a notation of any liens and restrictions of the issuer and any adverse claims (as to which the issuer has a duty under RCW 62A.8-403(4)) to which the uncertificated security is or may be subject at the time of registration or a statement that there are none of those liens, restrictions, or adverse claims; and

(e) the date the transfer was registered.

(2) Within 2 business days after the pledge of an uncertificated security has been registered, the issuer shall send to the registered owner and the registered pledgee a written statement containing:

(a) a description of the issue of which the uncertificated security is a part;

(b) the number of shares or units pledged;

(c) the name and address and any taxpayer identification number of the registered owner and the registered pledgee;

(d) a notation of any liens and restrictions of the issuer and any adverse claims (as to which the issuer has a duty under RCW 62A.8-403(4)) to which the uncertificated security is or may be subject at the time of registration or a statement that there are none of those liens, restrictions, or adverse claims; and

(e) the date the pledge was registered.

(3) Within 2 business days after the release from pledge of an uncertificated security has been registered, the issuer shall send to the registered owner and the pledgee whose interest was released a written statement containing:

(a) a description of the issue of which the uncertificated security is a part;

(b) the number of shares or units released from pledge;

(c) the name and address and any taxpayer identification number of the registered owner and the pledgee whose interest was released;

(d) a notation of any liens and restrictions of the issuer and any adverse claims (as to which the issuer has a duty under RCW 62A.8-403(4)) to which the uncertificated security is or may be subject at the time of registration or a statement that there are none of those liens, restrictions or adverse claims; and

(e) the date the release was registered.

(4) An "initial transaction statement" is the statement sent to:

(a) the new registered owner and, if applicable, to the registered pledgee pursuant to subsection (1);

(b) the registered pledgee pursuant to subsection (2); or

(c) the registered owner pursuant to subsection (3).

Each initial transaction statement shall be signed by or on behalf of the issuer and must be identified as "Initial Transaction Statement".

(5) Within 2 business days after the transfer of an uncertificated security has been registered, the issuer shall send to the former registered owner and the former registered pledgee, if any, a written statement containing:

(a) a description of the issue of which the uncertificated security is a part;

(b) the number of shares or units transferred;

(c) the name and address and any taxpayer identification number of the former registered owner and of any former registered pledgee; and

(d) the date the transfer was registered.

(6) At periodic intervals no less frequent than annually and at any time upon the reasonable written request of the registered owner, the issuer shall send to the registered owner of each uncertificated security a dated written statement containing:

(a) a description of the issue of which the uncertificated security is a part;

(b) the name and address and any taxpayer identification number of the registered owner;

(c) the number of shares or units of the uncertificated security registered in the name of the registered owner on the date of the statement;

(d) the name and address and any taxpayer identification number of any registered pledgee and the number of shares or units subject to the pledge; and

(e) a notation of any liens and restrictions of the issuer and any adverse claims (as to which the issuer has a duty under RCW 62A.8-403(4)) to which the uncertificated security is or may be subject or a statement that there are none of those liens, restrictions, or adverse claims.

(7) At periodic intervals no less frequent than annually and at any time upon the reasonable written request of the registered pledgee, the issuer shall send to the registered pledgee of each uncertificated security a dated written statement containing:

(a) a description of the issue of which the uncertificated security is a part;

(b) the name and address and any taxpayer identification number of the registered owner;

(c) the name and address and any taxpayer identification number of the registered pledgee;

(d) the number of shares or units subject to the pledge; and

(e) a notation of any liens and restrictions of the issuer and any adverse claims (as to which the issuer has a duty under RCW 62A.8-403(4)) to which the uncertificated security is or may be subject or a statement that there are none of those liens, restrictions, or adverse claims.

(8) If the issuer sends the statements described in subsections (6) and (7) at periodic intervals no less frequent than quarterly, the issuer is not obliged to send additional statements upon request unless the owner or pledgee requesting them pays to the issuer the reasonable cost of furnishing them.

(9) Each statement sent pursuant to this section must bear a conspicuous legend reading substantially as follows: "This statement is merely a record of the rights of the addressee as of the time of its issuance. Delivery of this statement, of itself, confers no rights on the recipient. This statement is neither a negotiable instrument nor a security." [1986 c 35 § 44.]

## Article 9

### SECURED TRANSACTIONS; SALES OF ACCOUNTS, CONTRACT RIGHTS AND CHATTEL PAPER

#### Sections

62A.9-103	Perfection of security interests in multiple state transactions.
62A.9-105	Definitions and index of definitions.
62A.9-203	Attachment and enforceability of security interest; proceeds, formal requisites.
62A.9-204	After-acquired property; future advances; livestock or meat products.
62A.9-302	Persons who take priority over unperfected security interests; right of "lien creditor".
62A.9-304	Perfection of security interest in instruments, documents, and goods covered by documents; perfection by permissive filing; temporary perfection without filing or transfer of possession.
62A.9-305	When possession by secured party perfects security interest without filing.
62A.9-309	Protection of purchasers of instruments, documents, and securities.
62A.9-310	Priority of certain liens arising by operation of law. (Effective January 1, 1987.)
62A.9-312	Priorities among conflicting security interests in the same collateral.

**62A.9-103 Perfection of security interests in multiple state transactions.** (1) Documents, instruments and ordinary goods.

(a) This subsection applies to documents and instruments and to goods other than those covered by a certificate of title described in subsection (2), mobile goods described in subsection (3), and minerals described in subsection (5).

(b) Except as otherwise provided in this subsection, perfection and the effect of perfection or nonperfection of a security interest in collateral are governed by the law of the jurisdiction where the collateral is when the last event occurs on which is based the assertion that the security interest is perfected or unperfected.

(c) If the parties to a transaction creating a purchase money security interest in goods in one jurisdiction understand at the time that the security interest attaches that the goods will be kept in another jurisdiction, then the law of the other jurisdiction governs the perfection and the effect of perfection or nonperfection of the security interest from the time it attaches until thirty days after the debtor receives possession of the goods and thereafter if the goods are taken to the other jurisdiction before the end of the thirty-day period.

(d) When collateral is brought into and kept in this state while subject to a security interest perfected under the law of the jurisdiction from which the collateral was removed, the security interest remains perfected, but if action is required by Part 3 of this Article to perfect the security interest,

(i) if the action is not taken before the expiration of the period of perfection in the other jurisdiction or the end of four months after the collateral is brought into this state, whichever period first expires, the security interest becomes unperfected at the end of that period and is thereafter deemed to have been unperfected as against a person who became a purchaser after removal;

(ii) if the action is taken before the expiration of the period specified in subparagraph (i), the security interest continues perfected thereafter;

(iii) for the purpose of priority over a buyer of consumer goods (subsection (2) of RCW 62A.9-307), the period of the effectiveness of a filing in the jurisdiction from which the collateral is removed is governed by the rules with respect to perfection in subparagraphs (i) and (ii).

#### (2) Certificate of title.

(a) This subsection applies to goods covered by a certificate of title issued under a statute of this state or of another jurisdiction under the law of which indication of a security interest on the certificate is required as a condition of perfection.

(b) Except as otherwise provided in this subsection, perfection and the effect of perfection or nonperfection of the security interest are governed by the law (including the conflict of laws rules) of the jurisdiction issuing the certificate until four months after the goods are removed from that jurisdiction and thereafter until the goods are registered in another jurisdiction, but in any event not beyond surrender of the certificate. After the expiration of that period, the goods are not covered by the certificate of title within the meaning of this section.

(c) Except with respect to the rights of a buyer described in the next paragraph, a security interest, perfected in another jurisdiction otherwise than by notation on a certificate of title, in goods brought into this state and thereafter covered by a certificate of title issued by this state is subject to the rules stated in paragraph (d) of subsection (1).

(d) If goods are brought into this state while a security interest therein is perfected in any manner under the law of the jurisdiction from which the goods are removed and a certificate of title is issued by this state and the certificate does not show that the goods are subject to the security interest or that they may be subject to security interests not shown on the certificate, the security interest is subordinate to the rights of a buyer of the goods who is not in the business of selling goods of that kind to the extent that he gives value and receives delivery of the goods after issuance of the certificate and without knowledge of the security interest.

#### (3) Accounts, general intangibles and mobile goods.

(a) This subsection applies to accounts (other than an account described in subsection (5) on minerals) and general intangibles (other than uncertificated securities) and to goods which are mobile and which are of a type normally used in more than one jurisdiction, such as motor vehicles, trailers, rolling stock, airplanes, shipping containers, road building and construction machinery and commercial harvesting machinery and the like, if the goods are equipment or are inventory leased or held for lease by the debtor to others, and are not covered by a certificate of title described in subsection (2).

(b) The law (including the conflict of laws rules) of the jurisdiction in which the debtor is located governs the perfection and the effect of perfection or nonperfection of the security interest.

(c) If, however, the debtor is located in a jurisdiction which is not a part of the United States, and which does not provide for perfection of the security interest by filing or recording in that jurisdiction, the law of the jurisdiction in the United States in which the debtor has its major executive office in the United States governs the perfection and the effect of perfection or nonperfection of the security interest through filing. In the alternative, if the debtor is located in a jurisdiction which is not a part of the United States or Canada and the collateral is accounts or general intangibles for money due or to become due, the security interest may be perfected by notification to the account debtor. As used in this paragraph, "United States" includes its territories and possessions and the Commonwealth of Puerto Rico.

(d) A debtor shall be deemed located at his place of business if he has one, at his chief executive office if he has more than one place of business, otherwise at his residence. If, however, the debtor is a foreign air carrier under the Federal Aviation Act of 1958, as amended, it shall be deemed located at the designated office of the agent upon whom service of process may be made on behalf of the foreign air carrier.

(e) A security interest perfected under the law of the jurisdiction of the location of the debtor is perfected until the expiration of four months after a change of the debtor's location to another jurisdiction, or until perfection would have ceased by the law of the first jurisdiction, whichever period first expires. Unless perfected in the new jurisdiction before the end of that period, it becomes unperfected thereafter and is deemed to have been unperfected as against a person who became a purchaser after the change.



## (4) Chattel paper.

The rules stated for goods in subsection (1) apply to a possessory security interest in chattel paper. The rules stated for accounts in subsection (3) apply to a nonpossessory security interest in chattel paper, but the security interest may not be perfected by notification to the account debtor.

## (5) Minerals.

Perfection and the effect of perfection or nonperfection of a security interest which is created by a debtor who has an interest in minerals or the like (including oil and gas) before extraction and which attaches thereto as extracted, or which attaches to an account resulting from the sale thereof at the wellhead or minehead are governed by the law (including the conflict of laws rules) of the jurisdiction wherein the wellhead or minehead is located.

## (6) Uncertificated securities.

The law (including the conflict of laws rules) of the jurisdiction of organization of the issuer governs the perfection and the effect of perfection or non-perfection of a security interest in uncertificated securities. [1986 c 35 § 45; 1981 c 41 § 7; 1965 ex.s. c 157 § 9-103.]

**Effective date**—1981 c 41: See RCW 62A.11-101.

**62A.9-105 Definitions and index of definitions.** (1) In this Article unless the context otherwise requires:

(a) "Account debtor" means the person who is obligated on an account, chattel paper or general intangible;

(b) "Chattel paper" means a writing or writings which evidence both a monetary obligation and a security interest in or a lease of specific goods, but a charter or other contract involving the use or hire of a vessel is not chattel paper. When a transaction is evidenced both by such a security agreement or a lease and by an instrument or a series of instruments, the group of writings taken together constitutes chattel paper;

(c) "Collateral" means the property subject to a security interest, and includes accounts and chattel paper which have been sold;

(d) "Debtor" means the person who owes payment or other performance of the obligation secured, whether or not he owns or has rights in the collateral, and includes the seller of accounts or chattel paper. Where the debtor and the owner of the collateral are not the same person, the term "debtor" means the owner of the collateral in any provision of the Article dealing with the collateral, the obligor in any provision dealing with the obligation, and may include both where the context so requires;

(e) "Deposit account" means a demand, time, savings, passbook or like account maintained with a bank, savings and loan association, credit union or like organization, other than an account evidenced by a certificate of deposit;

(f) "Document" means document of title as defined in the general definitions of Article 1 (RCW 62A.1-201), and a receipt of the kind described in subsection (2) of RCW 62A.7-201;

(g) "Encumbrance" includes real estate mortgages and other liens on real estate and all other rights in real estate that are not ownership interests;

(h) "Goods" includes all things which are movable at the time the security interest attaches or which are fixtures (RCW 62A.9-313), but does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like (including oil and gas) before extraction. "Goods" also includes standing timber which is to be cut and removed under a conveyance or contract for sale, the unborn young of animals and growing crops;

(i) "Instrument" means a negotiable instrument (defined in RCW 62A.3-104), or a certificated security (defined in RCW 62A.8-102) or any other writing which evidences a right to the payment of money and is not itself a security agreement or lease and is of a type which is in ordinary course of business transferred by delivery with any necessary indorsement or assignment;

(j) "Mortgage" means a consensual interest created by a real estate mortgage, a trust deed on real estate, or the like;

(k) An advance is made "pursuant to commitment" if the secured party has bound himself to make it, whether or not a subsequent event of default or other event not within his control has relieved or may relieve him from his obligation;

(l) "Security agreement" means an agreement which creates or provides for a security interest;

(m) "Secured party" means a lender, seller or other person in whose favor there is a security interest, including a person to whom accounts or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party;

(n) "Transmitting utility" means any person primarily engaged in the railroad, street railway or trolley bus business, the electric or electronics communications transmission business, the transmission of goods by pipeline, or the transmission or the production and transmission of electricity, steam, gas or water, or the provision of sewer service.

(2) Other definitions applying to this Article and the sections in which they appear are:

"Account". RCW 62A.9-106.

"Attach". RCW 62A.9-203.

"Construction mortgage". RCW 62A.9-313(1).

"Consumer goods". RCW 62A.9-109(1).

"Equipment". RCW 62A.9-109(2).

"Farm products". RCW 62A.9-109(3).

"Fixture". RCW 62A.9-313.

"Fixture filing". RCW 62A.9-313.

"General intangibles". RCW 62A.9-106.

"Inventory". RCW 62A.9-109(4).

"Lien creditor". RCW 62A.9-301(3).

"Proceeds". RCW 62A.9-306(1).

"Purchase money security interest". RCW 62A.9-107.

"United States". RCW 62A.9-103.

(3) The following definitions in other Articles apply to this Article:

"Check". RCW 62A.3-104.

"Contract for sale". RCW 62A.2-106.

"Holder in due course". RCW 62A.3-302.

"Note". RCW 62A.3-104.

"Sale". RCW 62A.2-106.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article. [1986 c 35 § 46; 1981 c 41 § 9; 1965 ex.s. c 157 § 9-105. Cf. former RCW sections: (i) RCW 61.20.010; 1943 c 71 § 1; Rem. Supp. 1943 § 11548-30. (ii) RCW 63.16.010; 1947 c 8 § 1; Rem. Supp. 1947 § 2721-1.]

Effective date—1981 c 41: See RCW 62A.11-101.

**62A.9-203 Attachment and enforceability of security interest; proceeds, formal requisites.** (1) Subject to the provisions of RCW 62A.4-208 on the security interest of a collecting bank, RCW 62A.8-321 on security interests in securities and RCW 62A.9-113 on a security interest arising under the Article on Sales, a security interest is not enforceable against the debtor or third parties with respect to the collateral and does not attach unless:

(a) the collateral is in the possession of the secured party pursuant to agreement, or the debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops growing or to be grown or timber to be cut, a description of the land concerned;

(b) value has been given; and

(c) the debtor has rights in the collateral.

(2) A security interest attaches when it becomes enforceable against the debtor with respect to the collateral. Attachment occurs as soon as all of the events specified in subsection (1) have taken place unless explicit agreement postpones the time of attaching.

(3) Unless otherwise agreed a security agreement gives the secured party the rights to proceeds provided by RCW 62A.9-306.

(4) A transaction, although subject to this Article, is also subject to chapters 31.04, 31.08, 31.12, 31.16, 31.20, and 31.24 RCW, and in the case of conflict between the provisions of this Article and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein. [1986 c 35 § 47; 1985 c 412 § 12; 1982 c 186 § 1; 1981 c 41 § 12; 1965 ex.s. c 157 § 9-203. Cf. former RCW sections: (i) RCW 61.04.010; 1929 c 156 § 1; 1899 c 98 § 1; RRS § 3779; cf. 1881 § 1986; 1879 p 104 § 1; 1877 p 286 § 1; 1875 p 43 § 1. (ii) RCW 61.20.020; 1957 c 249 § 1; 1943 c 71 § 2; Rem. Supp. 1943 § 11548-31. (iii) RCW 61.20.040; 1943 c 71 § 4; Rem. Supp. 1943 § 11548-33. (iv) RCW 63.12.010; 1963 c 236 § 22; 1961 c 196 § 1; 1933 c 129 § 1; 1915 c 95 § 1; 1903 c 6 § 1; 1893 c 106 § 1; RRS § 3790. (v) RCW 63.16.020 and 63.16.030; 1947 c 8 §§ 2 and 3; Rem. Supp. 1947 §§ 2721-2 and 2721-3.]

Effective date—1982 c 186: "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 midnight June 30, 1982." [1982 c 186 § 12.]

Effective date—1981 c 41: See RCW 62A.11-101.

**62A.9-204 After-acquired property; future advances; livestock or meat products.** (1) Except as provided in subsection (2), a security agreement may provide that any or all obligations covered by the security agreement are to be secured by after-acquired collateral.

(2) No security interest attaches under an after-acquired property clause to consumer goods other than accessions (RCW 62A.9-314) when given as additional security unless the debtor acquires rights in them within ten days after the secured party gives value.

(3) Obligations covered by a security agreement may include future advances or other value whether or not the advances or value are given pursuant to commitment (subsection (1) of RCW 62A.9-105).

(4) A security interest cannot attach to livestock or to meat or meat products made from such livestock, where: (a) The livestock was sold to the commission merchant or dealer in livestock as defined in chapter 20.01 RCW or to a commercial feedlot by another party, (b) this other party has been paid by draft or check, and (c) the draft or check remains outstanding: *Provided*, That a security interest may attach when the draft or check has been outstanding more than ten days. [1986 c 178 § 16; 1981 c 41 § 13; 1974 ex.s. c 102 § 1; 1965 ex.s. c 157 § 9-204. Cf. former RCW sections: (i) RCW 61.04.010; 1929 c 156 § 1; 1899 c 98 § 1; RRS § 3779; cf. 1881 § 1986; 1879 p 104 § 1; 1877 p 286 § 1; 1875 p 43 § 1. (ii) RCW 61.20.020; 1957 c 249 § 1; 1943 c 71 § 2; Rem. Supp. 1943 § 11548-31. (iii) RCW 61.20.040 and 61.20.140; 1943 c 71 §§ 4 and 14; Rem. Supp. 1943 §§ 11548-33 and 11548-43.]

Effective date—1981 c 41: See RCW 62A.11-101.

**62A.9-302 Persons who take priority over unperfected security interests; right of "lien creditor".** (1) A financing statement must be filed to perfect all security interest except the following:

(a) a security interest in collateral in possession of the secured party under RCW 62A.9-305;

(b) a security interest temporarily perfected in instruments or documents without delivery under RCW 62A.9-304 or in proceeds for a ten day period under RCW 62A.9-306;

(c) a security interest created by an assignment of a beneficial interest in a trust or a decedent's estate;

(d) a purchase money security interest in consumer goods; but filing is required for a motor vehicle required to be registered and other property subject to subsection (3) of this section; and fixture filing is required for priority over conflicting interests in fixtures to the extent provided in RCW 62A.9-313;

(e) a security interest of a collecting bank (RCW 62A.4-208) or in securities (RCW 62A.8-321) or arising under the Article on Sales (RCW 62A.9-113) or covered in subsection (3) of this section;

(f) an assignment for the benefit of all the creditors of the transferor, and subsequent transfers by the assignee thereunder.

(2) If a secured party assigns a perfected security interest, no filing under this Article is required in order to continue the perfected status of the security interest

against creditors of and transferees from the original debtor.

(3) The filing of a financing statement otherwise required by this Article is not necessary or effective to perfect a security interest in property subject to

(a) a statute or treaty of the United States which provides for a national or international registration or a national or international certificate of title or which specifies a place of filing different from that specified in this Article for filing of the security interest; or

(b) the following statute of this state: RCW 46.12.095 or 88.02.070; but during any period in which collateral is inventory held for sale by a person who is in the business of selling goods of that kind, the filing provisions of this Article (Part 4) apply to a security interest in that collateral created by him as debtor; or

(c) a certificate of title statute of another jurisdiction under the law of which indication of a security interest on the certificate is required as a condition of perfection (subsection (2) of RCW 62A.9-103).

(4) Compliance with a statute or treaty described in subsection (3) is equivalent to the filing of a financing statement under this Article, and a security interest in property subject to the statute or treaty can be perfected only by compliance therewith except as provided in RCW 62A.9-103 on multiple state transactions. Duration and renewal of perfection of a security interest perfected by compliance with the statute or treaty are governed by the provisions of the statute or treaty; in other respects the security interest is subject to this Article.

(5) Part 4 of this Article does not apply to a security interest in property of any description created by a deed of trust or mortgage made by any corporation primarily engaged in the railroad or street railway business, the furnishing of telephone or telegraph service, the transmission of oil, gas or petroleum products by pipe line, or the production, transmission or distribution of electricity, steam, gas or water, but such security interest may be perfected under this Article by filing such deed of trust or mortgage with the department of licensing. When so filed, such instrument shall remain effective until terminated, without the need for filing a continuation statement. Assignments and releases of such instruments may also be filed with the department of licensing. The director of licensing shall be a filing officer for the foregoing purposes, and the uniform fee for filing, indexing, and furnishing filing data pursuant to this subsection shall be five dollars. [1986 c 35 § 48; 1985 c 258 § 3; 1981 c 41 § 16; 1979 c 158 § 210; 1977 ex.s. c 117 § 6; 1967 c 114 § 4; 1965 ex.s. c 157 § 9-302. Cf. former RCW sections: (i) RCW 61.04.020; 1943 c 284 § 1; 1915 c 96 § 1; Code 1881 § 1987; Rem. Supp. 1943 § 3780; prior: 1879 p 105 § 2; 1877 p 286 § 3; 1875 p 44 § 3; 1863 p 426 § 1. (ii) RCW 61.20.030 and 61.20.090; 1943 c 71 §§ 3 and 9; Rem. Supp. 1943 §§ 11548-32 and 11548-38. (iii) RCW 61.20.080; 1957 c 249 § 2; 1943 c 71 § 8; Rem. Supp. 1943 § 11548-37. (iv) RCW 63.12.010; 1963 c 236 § 22; 1961 c 196 § 1;

1933 c 129 § 1; 1915 c 95 § 1; 1903 c 6 § 1; 1893 c 106 § 1; RRS § 3790. (v) RCW 63.16.030; 1947 c 8 § 3; Rem. Supp. 1947 § 2721-3.]

**Effective date**—1985 c 258: See note following RCW 88.02.070.

**Effective date**—1981 c 41: See RCW 62A.11-101.

**Severability**—**Effective date**—1977 ex.s. c 117: See notes following RCW 43.07.150.

**Emergency**—**Effective date**—1967 c 114: See note following RCW 62A.4-406.

**Motor vehicles**—*Certificate of ownership and registration:* RCW 46.12.010.

*See bailment contracts: Filing, recording or notice of contract not required to establish validity of contract or title in bailor:* RCW 15-48.270 through 15.48.290.

**62A.9-304 Perfection of security interest in instruments, documents, and goods covered by documents; perfection by permissive filing; temporary perfection without filing or transfer of possession.** (1) A security interest in chattel paper or negotiable documents may be perfected by filing. A security interest in money or instruments (other than certificated securities or instruments which constitute part of chattel paper) can be perfected only by the secured party's taking possession, except as provided in subsections (4) and (5) of this section and subsections (2) and (3) of RCW 62A.9-306 on proceeds.

(2) During the period that goods are in the possession of the issuer of a negotiable document therefor, a security interest in the goods is perfected by perfecting a security interest in the document, and any security interest in the goods otherwise perfected during such period is subject thereto.

(3) A security interest in goods in the possession of a bailee other than one who has issued a negotiable document therefor is perfected by issuance of a document in the name of the secured party or by the bailee's receipt of notification of the secured party's interest or by filing as to the goods.

(4) A security interest in instruments (other than certificated securities) or negotiable documents is perfected without filing or the taking of possession for a period of twenty-one days from the time it attaches to the extent that it arises for new value given under a written security agreement.

(5) A security interest remains perfected for a period of twenty-one days without filing where a secured party having a perfected security interest in an instrument (other than a certificated security), a negotiable document or goods in possession of a bailee other than one who has issued a negotiable document therefor

(a) makes available to the debtor the goods or documents representing the goods for the purpose of ultimate sale or exchange or for the purpose of loading, unloading, storing, shipping, transshipping, manufacturing, processing or otherwise dealing with them in a manner preliminary to their sale or exchange but priority between conflicting security interests in the goods is subject to subsection (3) of RCW 62A.9-312; or

(b) delivers the instrument to the debtor for the purpose of ultimate sale or exchange or of presentation, collection, renewal, or registration of transfer.

(6) After the twenty-one day period in subsections (4) and (5) perfection depends upon compliance with applicable provisions of this Article. [1986 c 35 § 49; 1981 c 41 § 17; 1965 ex.s. c 157 § 9-304. Cf. former RCW sections: (i) RCW 61.20.030 and 61.20.090; 1943 c 71 §§ 3 and 9; Rem. Supp. 1943 §§ 11548-32 and 11548-38. (ii) RCW 61.20.080; 1957 c 249 § 2; 1943 c 71 § 8; Rem. Supp. 1943 § 11548-37. (iii) RCW 63.16-.010; 1947 c 8 § 1; Rem. Supp. 1947 § 2721-1.]

**Effective date**—1981 c 41: See RCW 62A.11-101.

**62A.9-305 When possession by secured party perfects security interest without filing.** A security interest in letters of credit and advices of credit (subsection (2)(a) of RCW 62A.5-116), goods, instruments (other than certificated securities), money, negotiable documents, or chattel paper may be perfected by the secured party's taking possession of the collateral. If such collateral other than goods covered by a negotiable document is held by a bailee, the secured party is deemed to have possession from the time the bailee receives notification of the secured party's interest. A security interest is perfected by possession from the time possession is taken without relation back and continues only so long as possession is retained, unless otherwise specified in this Article. The security interest may be otherwise perfected as provided in this Article before or after the period of possession by the secured party. [1986 c 35 § 50; 1981 c 41 § 18; 1965 ex.s. c 157 § 9-305.]

**Effective date**—1981 c 41: See RCW 62A.11-101.

**62A.9-309 Protection of purchasers of instruments, documents, and securities.** Nothing in this Article limits the rights of a holder in due course of a negotiable instrument (RCW 62A.3-302) or a holder to whom a negotiable document of title has been duly negotiated (RCW 62A.7-501) or a bona fide purchaser of a security (RCW 62A.8-302) and such holders or purchasers take priority over an earlier security interest even though perfected. Filing under this Article does not constitute notice of the security interest to such holders or purchasers. [1986 c 35 § 51; 1965 ex.s. c 157 § 9-309. Cf. former RCW 61.20.090(1); 1943 c 71 § 9; Rem. Supp. 1943 § 11548-38.]

**62A.9-310 Priority of certain liens arising by operation of law. (Effective January 1, 1987.)** (1) When a person in the ordinary course of his business furnishes services or materials with respect to goods subject to a security interest, a lien upon goods in the possession of such person given by statute or rule of law for such materials or services takes priority over a perfected security interest only if the lien is statutory and the statute expressly provides for such priority.

(2) A preparer lien or processor lien properly created pursuant to chapter 60.13 RCW or a depositor's lien created pursuant to chapter 22.09 RCW takes priority over any perfected or unperfected security interest.

(3) Conflicting priorities between nonpossessory crop liens created under chapter 60.11 RCW and security interests shall be governed by chapter 60.11 RCW. [1986

c 242 § 16; 1985 c 412 § 10; 1983 c 305 § 76; 1965 ex.s. c 157 § 9-310. Cf. former RCW 61.20.110; 1943 c 71 § 11; Rem. Supp. 1943 § 11548-40.]

**Severability**—**Effective date**—1986 c 242: See RCW 60.11.902 and 60.11.903.

**Severability**—1983 c 305: See note following RCW 20.01.010.

**62A.9-312 Priorities among conflicting security interests in the same collateral.** (1) The rules of priority stated in other sections of this Part and in the following sections shall govern when applicable: RCW 62A.4-208 with respect to the security interests of collecting banks in items being collected, accompanying documents and proceeds; RCW 62A.9-103 on security interests related to other jurisdictions; RCW 62A.9-114 on consignments.

(2) A perfected security interest in crops for new value given to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise takes priority over an earlier perfected security interest to the extent that such earlier interest secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving new value had knowledge of the earlier security interest.

(3) A perfected purchase money security interest in inventory has priority over a conflicting security interest in the same inventory and also has priority in identifiable cash proceeds received on or before the delivery of the inventory to a buyer if

(a) the purchase money security interest is perfected at the time the debtor receives possession of the inventory; and

(b) the purchase money secured party gives notification in writing to the holder of the conflicting security interest if the holder had filed a financing statement covering the same types of inventory (i) before the date of the filing made by the purchase money secured party, or (ii) before the beginning of the twenty-one day period where the purchase money security interest is temporarily perfected without filing or possession (subsection (5) of RCW 62A.9-304); and

(c) the holder of the conflicting security interest receives the notification within five years before the debtor receives possession of the inventory; and

(d) the notification states that the person giving the notice has or expects to acquire a purchase money security interest in inventory of the debtor, describing such inventory by item or type.

(4) A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral or its proceeds if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within twenty days thereafter.

(5) In all cases not governed by other rules stated in this section (including cases of purchase money security interests which do not qualify for the special priorities set forth in subsections (3) and (4) of this section), priority between conflicting security interests in the same

collateral shall be determined according to the following rules:

(a) Conflicting security interests rank according to priority in time of filing or perfection. Priority dates from the time a filing is first made covering the collateral or the time the security interest is first perfected, whichever is earlier, provided that there is no period thereafter when there is neither filing nor perfection.

(b) So long as conflicting security interests are unperfected, the first to attach has priority.

(6) For the purposes of subsection (5) a date of filing or perfection as to collateral is also a date of filing or perfection as to proceeds.

(7) If future advances are made while a security interest is perfected by filing, the taking of possession, or under RCW 62A.8–321 on securities, the security interest has the same priority for the purposes of subsection (5) with respect to the future advances as it does with respect to the first advance. If a commitment is made before or while the security interest is so perfected, the security interest has the same priority with respect to advances made pursuant thereto. In other cases a perfected security interest has priority from the date the advance is made. [1986 c 35 § 52; 1982 c 186 § 3; 1981 c 41 § 22; 1965 ex.s. c 157 § 9–312. Cf. former RCW sections: (i) RCW 61.04.020; 1943 c 284 § 1; 1915 c 96 § 1; Code 1881 § 1987; Rem. Supp. 1943 § 3780; prior: 1879 p 105 § 2; 1877 p 286 § 3; 1875 p 44 § 3; 1863 p 426 § 1. (ii) RCW 61.20.010 and 61.20.090; 1943 c 71 §§ 1 and 9; Rem. Supp. 1943 §§ 11548–30 and 11548–38. (iii) RCW 63.12.010; 1963 c 236 § 22; 1961 c 196 § 1; 1933 c 129 § 1; 1915 c 95 § 1; 1903 c 6 § 1; 1893 c 106 § 1; RRS § 3790. (iv) RCW 63.16.030 and 63.16.090; 1947 c 8 §§ 3 and 9; Rem. Supp. 1947 §§ 2721–3 and 2721–9.]

**Effective date**—1982 c 186: See note following RCW 62A.9–203.

**Effective date**—1981 c 41: See RCW 62A.11–101.

## Title 63

### PERSONAL PROPERTY

#### Chapters

- 63.14** Retail installment sales of goods and services.  
**63.29** Uniform Unclaimed Property Act.

#### Chapter 63.14

### RETAIL INSTALLMENT SALES OF GOODS AND SERVICES

#### Sections

- 63.14.135** Retail installment contracts and charge agreements—  
 Maximum allowable service charge—Computation—  
 Publication in the Washington State Register.

**63.14.135** Retail installment contracts and charge agreements—Maximum allowable service charge—Computation—Publication in the Washington State Register. On or before December 5th of each year the

state treasurer shall compute the maximum service charge allowed under a retail installment contract or charge agreement under RCW 63.14.130(1)(a) for the succeeding calendar year. The treasurer shall file this charge with the state code reviser for publication in the first issue of the Washington State Register for the succeeding calendar year in compliance with RCW 34.08.020(8). [1986 c 60 § 2.]

#### Chapter 63.29

### UNIFORM UNCLAIMED PROPERTY ACT

#### Sections

- 63.29.180** Notice and publication of lists of abandoned property.

**63.29.180** Notice and publication of lists of abandoned property. (1) The department shall cause a notice to be published not later than March 1, or in the case of property reported by life insurance companies, September 1, immediately following the report required by RCW 63.29.170 at least once a week for two consecutive weeks in a newspaper of general circulation in the county of this state in which is located the last known address of any person to be named in the notice. If no address is listed or the address is outside this state, the notice must be published in the county in which the holder of the property has its principal place of business within this state.

(2) The published notice must be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property" and contain:

(a) The names in alphabetical order and last known address, if any, of persons listed in the report and entitled to notice within the county as specified in subsection (1) of this section;

(b) A statement that information concerning the property and the name and last known address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the department; and

(c) A statement that if proof of claim is not presented by the owner to the holder and the owner's right to receive the property is not established to the holder's satisfaction before April 20, or, in the case of property reported by life insurance companies, before October 20, the property will be placed not later than May 1, or in the case of property reported by life insurance companies, not later than November 1, in the custody of the department and all further claims must thereafter be directed to the department.

(3) The department is not required to publish in the notice any items of less than seventy-five dollars unless the department considers their publication to be in the public interest.

(4) Not later than March 1, or in the case of property reported by life insurance companies, not later than September 1, immediately following the report required by RCW 63.29.170, the department shall mail a notice to each person whose last known address is listed in the report and who appears to be entitled to property of the

value of seventy-five dollars or more presumed abandoned under this chapter and any beneficiary of a life or endowment insurance policy or annuity contract for whom the department has a last known address.

(5) The mailed notice must contain:

(a) A statement that, according to a report filed with the department, property is being held to which the addressee appears entitled;

(b) The name and last known address of the person holding the property and any necessary information regarding the changes of name and last known address of the holder; and

(c) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the department and all further claims must be directed to the department.

(6) This section is not applicable to sums payable on travelers checks, money orders, and other written instruments presumed abandoned under RCW 63.29.040. [1986 c 84 § 1; 1983 c 179 § 18.]

## Title 66

### ALCOHOLIC BEVERAGE CONTROL

#### Chapters

**66.08** Liquor control board—General provisions.

**66.24** Licenses—Stamp taxes.

**66.44** Enforcement—Penalties.

#### Chapter 66.08

### LIQUOR CONTROL BOARD—GENERAL PROVISIONS

#### Sections

66.08.014 Terms of members—Vacancies—Principal office—Removal—Devotion of time to duties—Bond—Oath.

66.08.050 Powers of board in general.

66.08.180 Liquor revolving fund—Distribution—Reserve for administration—Disbursement to universities and department of social and health services. (Effective July 1, 1987.)

**66.08.014 Terms of members—Vacancies—Principal office—Removal—Devotion of time to duties—Bond—Oath.** (1) The members of the board to be appointed after December 2, 1948 shall be appointed for terms beginning January 15, 1949, and expiring as follows: One member of the board for a term of three years from January 15, 1949; one member of the board for a term of six years from January 15, 1949; and one member of the board for a term of nine years from January 15, 1949. Each of the members of the board appointed hereunder shall hold office until his successor is appointed and qualified. After June 11, 1986, the term that began on January 15, 1985, will end on January 15, 1989, the term beginning on January 15, 1988, will end on January 15, 1993, and the term beginning on January 15, 1991, will end on January 15, 1997.

Thereafter, upon the expiration of the term of any member appointed after June 11, 1986, each succeeding member of the board shall be appointed and hold office for the term of six years. 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. No vacancy in the membership of the board shall impair the right of the remaining member or members to act, except as herein otherwise provided.

(2) The principal office of the board shall be at the state capitol, and it may establish such other offices as it may deem necessary.

(3) Any member of the board may be removed for inefficiency, malfeasance or misfeasance in office, upon 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 board by the tribunal shall disqualify such member for reappointment.

(4) Each member of the board shall devote his entire time to the duties of his office and no member of the board shall hold any other public office. Before entering upon the duties of his office, each of said members of the board shall enter into a surety bond executed by a surety company authorized to do business in this state, payable to the state of Washington, to be approved by the governor in the penal sum of fifty thousand dollars conditioned upon the faithful performance of his duties, and shall take and subscribe to the oath of office prescribed for elective state officers, which oath and bond shall be filed with the secretary of state. The premium for said bond shall be paid by the board. [1986 c 105 § 1; 1949 c 5 § 9; 1947 c 113 § 1; 1945 c 208 § 2; 1933 ex.s. c 62 § 64; Rem. Supp. 1949 § 7306-64. Formerly RCW 43.66.020.]

**Severability—1949 c 5:** See RCW 66.98.080.

**66.08.050 Powers of board in general.** The board, subject to the provisions of this title and the regulations, shall

(1) determine the localities within which state liquor stores shall be established throughout the state, and the number and situation of the stores within each locality;

(2) appoint in cities and towns and other communities, in which no state liquor store is located, liquor vendors. Such liquor vendors shall be agents of the board and be authorized to sell liquor to such persons, firms or corporations as provided for the sale of liquor from a state liquor store, and such vendors shall be subject to such additional rules and regulations consistent with this title as the board may require;

(3) establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquors for the purposes of this title;

(4) provide for the leasing for periods not to exceed ten years of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the board;

(5) determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this title;

(6) execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;

(7) pay all customs, duties, excises, charges and obligations whatsoever relating to the business of the board;

(8) require bonds from all employees in the discretion of the board, and to determine the amount of fidelity bond of each such employee;

(9) perform services for the state lottery commission to such extent, and for such compensation, as may be mutually agreed upon between the board and the commission;

(10) perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor: *Provided*, That the board shall have no authority to regulate the content of spoken language on licensed premises where wine and other liquors are served and where there is not a clear and present danger of disorderly conduct being provoked by such language. [1986 c 214 § 2; 1983 c 160 § 1; 1975 1st ex.s. c 173 § 1; 1969 ex.s. c 178 § 1; 1963 c 239 § 3; 1935 c 174 § 10; 1933 ex.s. c 62 § 69; RRS § 7306-69.]

**Severability—1975 1st ex.s. c 173:** "If any phrase, clause, subsection, or section of this 1975 amendatory 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 1975 amendatory 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." [1975 1st ex.s. c 173 § 13.]

**Effective date—1975 1st ex.s. c 173:** "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 173 § 14.]

**66.08.180 Liquor revolving fund—Distribution—Reserve for administration—Disbursement to universities and department of social and health services.** (Effective July 1, 1987.) Moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210: *Provided*, That the board shall reserve from distribution such amount not exceeding five hundred thousand dollars as may be necessary for the proper administration of this title: *And provided further*, That all license fees, penalties and forfeitures derived under this act from class H licenses or class H licensees

shall every three months be disbursed by the board as follows:

(1) 5.95 percent to the University of Washington and 3.97 percent to Washington State University for alcoholism and drug abuse research and for the dissemination of such research;

(2) 1.75 percent, but in no event less than one hundred fifty thousand dollars per biennium, to the University of Washington to conduct the state toxicological laboratory pursuant to RCW 68.08.107; and

(3) 88.33 percent and twenty percent of the total amount derived from license fees under RCW 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.360, and 66.24.370 to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96.085, as now or hereafter amended: *And provided further*, That one-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedure to insure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for. [1986 c 87 § 1; 1981 1st ex.s. c 5 § 6; 1979 c 151 § 166; 1967 ex.s. c 75 § 1; 1965 ex.s. c 143 § 2; 1949 c 5 § 10; 1935 c 13 § 2; 1933 ex.s. c 62 § 77; Rem. Supp. 1949 § 7306-77. Formerly RCW 43.66.080.]

**Effective date—1986 c 87:** "This act shall take effect July 1, 1987." [1986 c 87 § 3.]

**Severability—Effective date—1981 1st ex.s. c 5:** See RCW 66.98.090 and 66.98.100.

**Effective date—1967 ex.s. c 75:** "The effective date of this 1967 amendatory act is July 1, 1967." [1967 ex.s. c 75 § 8.] This applies to the 1967 amendments to RCW 66.08.180 and 66.24.320 through 66.24.370.

**Severability—1949 c 5:** See RCW 66.98.080.

**Distribution for state toxicological lab:** RCW 68.08.107.

**Wine grape industry, instruction relating to—Purpose—Administration:** RCW 28B.30.067 and 28B.30.068.

## Chapter 66.24

### LICENSES—STAMP TAXES

#### Sections

66.24.400 Liquor by the drink, class H licenses—Liquor by the bottle for hotel guests—Removing unconsumed liquor, when.  
66.24.520 Grower's license—Fee.  
66.24.550 Wine retailer's license—Class P—Fee—Limitations.

**66.24.400 Liquor by the drink, class H licenses—Liquor by the bottle for hotel guests—Removing unconsumed liquor, when.** There shall be a retailer's license, to be known and designated as class H license, to sell spirituous liquor by the individual glass, beer, and wine,

at retail, for consumption on the premises, including mixed drinks and cocktails compounded or mixed on the premises only: *Provided*, That a hotel licensed under this section may sell liquor by the bottle to registered guests of the hotel for consumption in guest rooms, hospitality rooms, or at banquets in the hotel: *Provided further*, That a patron of a bona fide hotel, restaurant, or club licensed under this section may remove from the premises recorked or recapped in its original container any portion of wine which was purchased for consumption with a meal, and registered guests who have purchased liquor from the hotel by the bottle may remove from the premises any unused portion of such liquor in its original container. Such class H license may be issued only to bona fide restaurants, hotels and clubs, and to dining, club and buffet cars on passenger trains, and to dining places on passenger boats and airplanes, and to dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, and to such other establishments operated and maintained primarily for the benefit of tourists, vacationers and travelers as the board shall determine are qualified to have, and in the discretion of the board should have, a class H license under the provisions and limitations of this title. [1986 c 208 § 1; 1981 c 94 § 2; 1977 ex.s. c 9 § 4; 1971 ex.s. c 208 § 1; 1949 c 5 § 1 (adding new section 23-S-1 to 1933 ex.s. c 62); Rem. Supp. 1949 § 7306-23S-1.]

**Effective date**—1986 c 208: "This 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 on May 1, 1986." [1986 c 208 § 2.]

**Severability**—1949 c 5: See RCW 66.98.080.

**66.24.520 Grower's license**—**Fee**. There shall be a grower's license to sell wine made from grapes or other agricultural products owned at the time of vinification by the licensee in bulk to holders of domestic wineries', distillers', or manufacturers' licenses or for export. The wine shall be made upon the premises of a domestic winery licensee and is referred to in this section as grower's wine. A grower's license authorizes the agricultural product grower to contract for the manufacturing of wine from the grower's own agricultural product, store wine in bulk made from agricultural products produced by the holder of this license, and to sell wine in bulk made from the grower's own agricultural products to a winery or distillery in the state of Washington or to export in bulk for sale out-of-state. The annual fee for a grower's license shall be seventy-five dollars. For the purpose of chapter 66.28 RCW, a grower licensee shall be deemed a manufacturer. [1986 c 214 § 1.]

**66.24.550 Wine retailer's license**—**Class P**—**Fee**—**Limitations**. There shall be a wine retailer's license to be designated as class P to solicit, take orders for, sell and deliver wine in bottles and original packages to persons other than the person placing the order. A class P license may be issued only to a business solely engaged in the delivery of gifts at retail which holds no other class of license under this title or to a person in the

business of selling flowers or floral arrangements at retail. No minimum wine inventory requirement shall apply to holders of class P licenses. The fee for this license is seventy-five dollars per year. Delivery of wine under a class P license shall be made in accordance with all applicable provisions of this title and the rules of the board, and no wine so delivered shall be opened on any premises licensed under this title. A class P license does not authorize door-to-door solicitation of gift wine delivery orders. Deliveries of wine under a class P license shall be made only in conjunction with gifts or flowers. [1986 c 40 § 1; 1982 c 85 § 10.]

### Chapter 66.44

#### ENFORCEMENT—PENALTIES

##### Sections

66.44.340 Employees eighteen years and over allowed to sell and handle beer and wine for class E and/or F licensed employers.

**66.44.340 Employees eighteen years and over allowed to sell and handle beer and wine for class E and/or F licensed employers**. Employers holding class E and/or F licenses exclusively are permitted to allow their employees, between the ages of eighteen and twenty-one years, to sell, stock, and handle beer or wine in, on or about any establishment holding a class E and/or class F license exclusively: *Provided*, That there is an adult twenty-one years of age or older on duty supervising the sale of liquor at the licensed premises: *Provided*, That minor employees may make deliveries of beer and/or wine purchased from licensees holding class E and/or class F licenses exclusively, when delivery is made to cars of customers adjacent to such licensed premises but only, however, when the minor employee is accompanied by the purchaser. [1986 c 5 § 1; 1981 1st ex.s. c 5 § 48; 1969 ex.s. c 38 § 1.]

**Severability**—**Effective date**—1981 1st ex.s. c 5: See RCW 66.98.090 and 66.98.100.

### Title 67

#### SPORTS AND RECREATION— CONVENTION FACILITIES

##### Chapters

67.08 Boxing and wrestling.  
67.16 Horse racing.  
67.28 Public stadium, convention, performing arts, and visual arts facilities.  
67.42 Amusement rides.  
67.70 State lottery.

### Chapter 67.08

#### BOXING AND WRESTLING

##### Sections

67.08.910 Repealed.



**67.08.910** ~~Repealed.~~ See Supplementary Table of Disposition of Former RCW Sections, this volume.

**Chapter 67.16**  
**HORSE RACING**

Sections

67.16.175 Gross receipts—Exotic races—Retention of percentage by race meets.

**67.16.175 Gross receipts—Exotic races—Retention of percentage by race meets.** (1) Daily gross receipts of all parimutuel machines from wagers on exotic races shall be distributed according to this section:

(a) In addition to the amounts set forth in RCW 67.16.105, an additional two and five-tenths percent of gross receipts on races with two or more selections and three and five-tenths percent of gross receipts on races with three or more selections shall be paid to the commission. The commission shall retain twenty-two percent of the additional percentages from exotic races and shall forward the balance to the state treasurer daily for deposit in the general fund.

(b) In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain an additional three percent of the daily gross receipts of all parimutuel machines from wagers on exotic races requiring two selections to be used as provided in subsection (2) of this section.

(c) In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain an additional six percent of the daily gross receipts of all parimutuel machines from wagers on exotic races requiring three or more selections to be used as provided in subsection (2) of this section.

(2) Of the amounts retained in subsection (1) (b) and (c) of this section, one percent shall be used for Washington-bred breeder awards, not to exceed twenty percent of the winner's share of the purse.

(3) Any portion of the remaining moneys retained in subsection (1) (b) and (c) of this section shall be shared equally by the race track and participating horsemen. The amount shared by participating horsemen shall be in addition to and shall not supplant the customary purse structure between race tracks and participating horsemen.

(4) As used in this section, "exotic races" means any multiple wager. Exotic races are subject to approval of the commission. [1986 c 43 § 1; 1985 c 146 § 10; 1981 c 135 § 1.]

**Severability—1985 c 146:** See note following RCW 67.16.010.

**Severability—1981 c 135:** "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." [1981 c 135 § 2.]

**Chapter 67.28**

**PUBLIC STADIUM, CONVENTION, PERFORMING ARTS, AND VISUAL ARTS FACILITIES**

Sections

67.28.180 Special excise tax authorized—Hotel, motel, rooming house, trailer camp, etc., charges—Conditions imposed upon levies.

67.28.210 Special excise tax authorized—Proceeds credited to special fund—Limitation on use—Investment.

**67.28.180 Special excise tax authorized—Hotel, motel, rooming house, trailer camp, etc., charges—Conditions imposed upon levies.** (1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: *Provided*, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this chapter shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this chapter upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of subsection (a), so long as, and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160: *Provided*, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this chapter shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this chapter upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of subsection (a), so long as, and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160: *Provided*, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: *Provided*, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used for art and cultural museums.

(b) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

(c) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

(d) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired.

(e) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium

by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)(e) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected. [1986 c 104 § 1; 1985 c 272 § 1; 1975 1st ex.s. c 225 § 1; 1973 2nd ex.s. c 34 § 5; 1970 ex.s. c 89 § 1; 1967 c 236 § 11.]

**Effective date—1986 c 104:** "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 April 1, 1986." [1986 c 104 § 2.]

**Severability—1985 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." [1985 c 272 § 2.]

*Special excise tax*

*authorized for convention or trade facilities: RCW 67.40.100.*

*imposed in King county for state convention and trade center: RCW 67.40.090.*

**67.28.210 Special excise tax authorized—Proceeds credited to special fund—Limitation on use—Investment.** All taxes levied and collected under RCW 67.28.180 shall be credited to a special fund in the treasury of the county or city imposing such tax. Such taxes shall be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operating of stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this chapter, or to pay for advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion when a county or city has imposed such tax for such purpose, or as one of the purposes hereunder, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law. In addition such taxes may be used to develop strategies to expand tourism in distressed areas, as defined in RCW 43.165.010: *Provided*, That any county, and any city within a county, bordering upon Grays Harbor may use the proceeds of such taxes for construction and maintenance of a movable tall ships tourist attraction in cooperation with a tall ships restoration society, except to the extent that such proceeds are used for payment of principal and interest on debt incurred prior to June 11, 1986. [1986 c 308 § 1; 1979 ex.s. c 222 § 5; 1973 2nd ex.s. c 34 § 6; 1970 ex.s. c 89 § 3; 1967 c 236 § 14.]

**Severability—1986 c 308:** "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." [1986 c 308 § 3.]

**Chapter 67.42**  
**AMUSEMENT RIDES**

Sections	
67.42.020	Requirements—Operation of amusement ride or structure.
67.42.025	Inspections and inspectors—Comparable regulation and comparable qualification.

**67.42.020 Requirements—Operation of amusement ride or structure.** Before operating any amusement ride or structure, the owner or operator shall:

(1) Obtain a permit pursuant to RCW 67.42.030;

(2) Have the amusement ride or structure inspected for safety at least once annually by an insurer, a person with whom the insurer has contracted, or a person who meets the qualifications set by the department and obtain from the insurer or person a written certificate that the inspection has been made and that the amusement ride or structure meets the standards for coverage and is covered by the insurer as required by subsection (3) of this section;

(3) Have and keep in effect an insurance policy in an amount not less than one million dollars per occurrence insuring: (a) The owner or operator; and (b) any municipality or county on whose property the amusement ride or structure stands, or any municipality or county which has contracted with the owner or operator against liability for injury to persons arising out of the use of the amusement ride or structure;

(4) File with the department the inspection certificate and insurance policy required by this section; and

(5) File with each sponsor, lessor, landowner, or other person responsible for an amusement structure or ride being offered for use by the public a certificate stating that the insurance required by subsection (3) of this section is in effect. [1986 c 86 § 1; 1985 c 262 § 2.]

**67.42.025 Inspections and inspectors—Comparable regulation and comparable qualification.** (1) An amusement ride that has been inspected in any state, territory, or possession of the United States that, in the discretion of the department, has a level of regulation comparable to this chapter, shall be deemed to meet the inspection requirement of this chapter.

(2) An amusement ride inspector who is authorized to inspect amusement rides in any state, territory, or possession of the United States, who, in the discretion of the department, has a level of qualifications comparable to those required under this chapter, shall be deemed qualified to inspect amusement rides under this chapter. [1986 c 86 § 2.]

**Chapter 67.70**  
**STATE LOTTERY**

Sections	
67.70.050	Office of director created—Appointment—Salary—Duties.
67.70.055	Activities prohibited to officers and employees.

67.70.255	Debts owed to state agency or political subdivision—Debt information to lottery commission—Prize set off against debts.
-----------	---

**67.70.050 Office of director created—Appointment—Salary—Duties.** There is created the office of director of the state lottery. The director shall be appointed by the governor with the consent of the senate. The director shall serve at the pleasure of the governor and shall receive such salary as is determined by the governor, but in no case may the director's salary be more than ninety percent of the salary of the governor. The director shall:

(1) Supervise and administer the operation of the lottery in accordance with the provisions of this chapter and with the rules of the commission.

(2) Appoint such deputy and assistant directors as may be required to carry out the functions and duties of his office: *Provided*, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such deputy and assistant directors.

(3) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter: *Provided*, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such employees as are engaged in undercover audit or investigative work or security operations but shall apply to other employees appointed by the director, except as provided for in subsection (2) of this section.

(4) In accordance with the provisions of this chapter and the rules of the commission, license as agents to sell or distribute lottery tickets such persons as in his opinion will best serve the public convenience and promote the sale of tickets or shares. The director may require a bond from every licensed agent, in such amount as provided in the rules of the commission. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the rules of the commission. License fees may be established by the commission, and, if established, shall be deposited in the state lottery account created by RCW 67.70.230.

(5) Confer regularly as necessary or desirable with the commission on the operation and administration of the lottery; make available for inspection by the commission, upon request, all books, records, files, and other information and documents of the lottery; and advise the commission and recommend such matters as he deems necessary and advisable to improve the operation and administration of the lottery.

(6) Subject to the applicable laws relating to public contracts, enter into contracts for the operation of the lottery, or any part thereof, and into contracts for the promotion of the lottery. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission: *Provided*, That nothing in this chapter authorizes the director to enter into public contracts for the regular and permanent administration of the lottery after the initial development and implementation.

(7) Certify quarterly to the state treasurer and the commission a full and complete statement of lottery revenues, prize disbursements, and other expenses for the preceding quarter.

(8) Publish quarterly reports showing the total lottery revenues, prize disbursements, and other expenses for the preceding quarter, and make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements, and other expenses, to the governor and the legislature, and including such recommendations for changes in this chapter as the director deems necessary or desirable.

(9) Report immediately to the governor and the legislature any matters which require immediate changes in the laws of this state in order to prevent abuses and evasions of this chapter or rules promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

(10) Carry on a continuous study and investigation of the lottery throughout the state: (a) For the purpose of ascertaining any defects in this chapter or in the rules issued thereunder by reason whereof any abuses in the administration and operation of the lottery or any evasion of this chapter or the rules may arise or be practiced, (b) for the purpose of formulating recommendations for changes in this chapter and the rules promulgated thereunder to prevent such abuses and evasions, (c) to guard against the use of this chapter and the rules issued thereunder as a cloak for the carrying on of professional gambling and crime, and (d) to insure that this chapter and rules shall be in such form and be so administered as to serve the true purposes of this chapter.

(11) Make a continuous study and investigation of: (a) The operation and the administration of similar laws which may be in effect in other states or countries, (b) any literature on the subject which from time to time may be published or available, (c) any federal laws which may affect the operation of the lottery, and (d) the reaction of the citizens of this state to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of this chapter.

(12) Have all enforcement powers granted in chapter 9.46 RCW.

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter. [1986 c 158 § 21; 1985 c 375 § 2; 1982 2nd ex.s. c 7 § 5.]

**67.70.055 Activities prohibited to officers and employees.** The director, deputy directors, and any assistant directors of the state lottery and a member or employee of the lottery commission shall not:

(1) Serve as an officer or manager of any corporation or organization which conducts a lottery or gambling activity;

(2) Receive or share in, directly or indirectly, the gross profits of any lottery or other gambling activity regulated by the gambling commission;

(3) Be beneficially interested in any contract for the manufacture or sale of gambling devices, the conduct of a lottery or other gambling activity, or the provision of independent consultant services in connection with a lottery or other gambling activity. [1986 c 4 § 2.]

**67.70.255 Debts owed to state agency or political subdivision—Debt information to lottery commission—Prize set off against debts.** (1) Any state agency or political subdivision that maintains records of debts owed to the state or political subdivision, or that the state is authorized to enforce or collect, may submit data processing tapes containing debt information to the lottery in a format specified by the lottery. State agencies or political subdivisions submitting debt information tapes shall provide updates on a regular basis at intervals not to exceed one month and shall be solely responsible for the accuracy of the information contained therein.

(2) The lottery shall include the debt information submitted by state agencies or political subdivisions in its validation and prize payment process. The lottery shall delay payment of a prize exceeding six hundred dollars for a period not to exceed two working days, to any person owing a debt to a state agency or political subdivision pursuant to the information submitted in subsection (1) of this section. The lottery shall contact the state agency or political subdivision that provided the information to verify the debt. The prize shall be paid to the claimant if the debt is not verified by the submitting state agency or political subdivision within two working days. If the debt is verified, the prize shall be disbursed pursuant to subsection (3) of this section.

(3) Prior to disbursement, any lottery prize exceeding six hundred dollars shall be set off against any debts owed by the prize winner to a state agency or political subdivision, or that the state is authorized to enforce or collect. [1986 c 83 § 2.]

**Policy—1986 c 83:** "The award of prizes by the state lottery is one of many functions of the state government. As such, the lottery prizes should be subject to debts owed to the state or that the state is authorized to enforce or collect. This policy expedites collections of obligations through interagency cooperation." [1986 c 83 § 1.]

**Effective date—1986 c 83:** "This act shall take effect September 1, 1986." [1986 c 83 § 3.]

## Title 68

### CEMETERIES, MORGUES AND HUMAN REMAINS

#### Chapters

**68.08 Human remains.**

**68.16 Cemetery districts.**

### Chapter 68.08 HUMAN REMAINS

## Sections

- 68.08.107 State toxicological laboratory established—State toxicologist—Washington State University police school. (Effective July 1, 1987.)
- 68.08.650 Identification of potential donors—Hospital procedures.
- 68.08.660 Good faith compliance with RCW 68.08.650—Hospital liability.

*Fellowship program in forensic pathology: RCW 28B.20.426.*

**68.08.107 State toxicological laboratory established—State toxicologist—Washington State University police school.** (Effective July 1, 1987.) There shall be established at the University of Washington Medical School a state toxicological laboratory under the direction of the state toxicologist whose duty it will be to perform all necessary toxicologic procedures requested by all coroners, medical examiners, and prosecuting attorneys. Annually the president of the University of Washington, with the consent of the state death investigations council, shall appoint a competent toxicologist as state toxicologist who shall serve a one year term. The state toxicologist may be reappointed to as many additional one year terms as the president of the university and the death investigations council deem proper. The facilities of the police school of the Washington State University and the services of its professional staff shall be made available to coroners, medical examiners, and prosecuting attorneys in their investigations under this chapter. This laboratory shall be funded by disbursement from the class H license fees as provided in RCW 66.08.180. [1986 c 87 § 2; 1983 1st ex.s. c 16 § 10; 1975-'76 2nd ex.s. c 84 § 1; 1970 ex.s. c 24 § 1; 1953 c 188 § 13.]

**Effective date—1986 c 87:** See note following RCW 66.08.180.

**Severability—Effective date—1983 1st ex.s. c 16:** See RCW 43.103.900 and 43.103.901.

*State death investigations council: Chapter 43.103 RCW.*

**68.08.650 Identification of potential donors—Hospital procedures.** Each hospital shall develop procedures for identifying potential organ and tissue donors. The procedures shall require that any deceased individual's next of kin or other individual, as set forth in RCW 68.08.510, at or near the time of notification of death be asked whether the deceased was an organ donor. If not, the family shall be informed of the option to donate organs and tissues pursuant to the uniform anatomical gift act. With the approval of the designated next of kin or other individual, as set forth in RCW 68.08.510, the hospital shall then notify an established eye bank, tissue bank, or organ procurement agency including those organ procurement agencies associated with a national organ procurement transportation network or other eligible donee, as specified in RCW 68.08.520, and cooperate in the procurement of the anatomical gift or gifts. The procedures shall encourage reasonable discretion and sensitivity to the family circumstances in all discussions regarding donations of tissue or organs. The procedures

may take into account the deceased individual's religious beliefs or obvious nonsuitability for organ and tissue donation. Laws pertaining to the jurisdiction of the coroner shall be complied with in all cases of reportable deaths pursuant to RCW 68.08.010. [1986 c 129 § 1.]

**68.08.660 Good faith compliance with RCW 68.08.650—Hospital liability.** No act or omission of a hospital in developing or implementing the provisions of RCW 68.08.650, when performed in good faith, shall be a basis for the imposition of any liability upon the hospital.

This section shall not apply to any act or omission of the hospital that constitutes gross negligence or wilful and wanton conduct. [1986 c 129 § 2.]

### Chapter 68.16 CEMETERY DISTRICTS

## Sections

- 68.16.180 Oath of commissioners.

**68.16.180 Oath of commissioners.** Each cemetery commissioner, before assuming the duties of his office, shall take and subscribe an official oath to faithfully discharge the duties of his office, which oath shall be filed in the office of the county auditor. [1986 c 167 § 24; 1947 c 6 § 18; Rem. Supp. 1947 § 3778-167.]

**Severability—1986 c 167:** See note following RCW 29.01.055.

## Title 69 FOOD, DRUGS, COSMETICS, AND POISONS

## Chapters

- 69.04 Food, drug, and cosmetic act.**
- 69.41 Legend drugs—Prescription drugs.**
- 69.50 Uniform controlled substances act.**
- 69.54 Drug and alcohol rehabilitation, education programs—Drug treatment centers.**

### Chapter 69.04 FOOD, DRUG, AND COSMETIC ACT

## Sections

- 69.04.331 Popcorn sold by theaters or commercial food service establishments—Misbranded if the use of butter or ingredients of butter-like flavoring not disclosed.
- 69.04.398 Purpose of RCW 69.04.110, 69.04.392, 69.04.394, 69.04.396—Uniformity with federal laws and regulations—Application to production of kosher food products.
- 69.04.399 Civil penalty for violations of standards for component parts of fluid dairy products adopted under RCW 69.04.398.

**69.04.331 Popcorn sold by theaters or commercial food service establishments—Misbranded if the use of**

**butter or ingredients of butter-like flavoring not disclosed.** (1) If a theater or other commercial food service establishment prepares and sells popcorn for human consumption, the establishment, at the point of sale, shall disclose by posting a sign in a conspicuous manner to prospective consumers a statement as to whether the butter or butter-like flavoring added to or attributed to the popcorn offered for sale is butter as defined in RCW 15.32.010 or is some other product. If the flavoring is some other product, the establishment shall also disclose the ingredients of the product.

The director of agriculture shall adopt rules prescribing the size and content of the sign upon which the disclosure is to be made. Any popcorn sold by or offered for sale by such an establishment to a consumer in violation of this section or the rules of the director implementing this section shall be deemed to be misbranded for the purposes of this chapter.

(2) The provisions of subsection (1) of this section do not apply to packaged popcorn labeled so as to disclose ingredients as required by law for prepackaged foods. [1986 c 203 § 17.]

**Severability—1986 c 203:** See note following RCW 15.04.100.

**69.04.398 Purpose of RCW 69.04.110, 69.04.392, 69.04.394, 69.04.396—Uniformity with federal laws and regulations—Application to production of kosher food products.** (1) The purpose of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396 is to promote uniformity of state legislation and regulations with the Federal Food, Drug and Cosmetic Act 21 USC 301 et seq. and regulations adopted thereunder. In accord with such declared purpose any regulation adopted under said federal food, drug and cosmetic act concerning food in effect on July 1, 1975, and not adopted under any other specific provision of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396 are hereby deemed to have been adopted under the provision hereof. Further, to promote such uniformity any regulation adopted hereafter under the provisions of the federal food, drug and cosmetic act concerning food and published in the federal register shall be deemed to have been adopted under the provisions of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396 in accord with chapter 34.04 RCW as enacted or hereafter amended. The director may, however, within thirty days of the publication of the adoption of any such regulation under the federal food, drug and cosmetic act give public notice that a hearing will be held to determine if such regulation shall not be applicable under the provisions of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396. Such hearing shall be in accord with the requirements of chapter 34.04 RCW as enacted or hereafter amended.

(2) The provisions of subsection (1) of this section do not apply to rules adopted by the director as necessary to permit the production of kosher food products as defined in RCW 69.90.010. [1986 c 203 § 18; 1975 1st ex.s. c 7 § 36.]

**Severability—1986 c 203:** See note following RCW 15.04.100.

**69.04.399 Civil penalty for violations of standards for component parts of fluid dairy products adopted under RCW 69.04.398.** See RCW 15.36.595.

## Chapter 69.41

### LEGEND DRUGS—PRESCRIPTION DRUGS

#### Sections

69.41.100	Legislative recognition and declaration.
69.41.130	Savings in price to be passed on to purchaser.

#### **69.41.100 Legislative recognition and declaration.**

The legislature recognizes the responsibility of the state to insure that the citizens of the state are offered a choice between generic drugs and brand name drugs and the benefit of quality pharmaceutical products at competitive prices. Advances in the drug industry resulting from research and the elimination of counterfeiting of prescription drugs should benefit the users of the drugs. Pharmacy must continue to operate with accountability and effectiveness. The legislature hereby declares it to be the policy of the state that its citizens receive safe and therapeutically effective drug products at the most reasonable cost consistent with high drug quality standards. [1986 c 52 § 1; 1977 ex.s. c 352 § 1.]

**Severability—1977 ex.s. c 352:** "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." [1977 ex.s. c 352 § 10.] This applies to RCW 69.41.100 through 69.41.180.

**69.41.130 Savings in price to be passed on to purchaser.** Unless the brand name drug is requested by the patient or the patient's representative, the pharmacist shall substitute an equivalent drug product which he has in stock if its wholesale price to the pharmacist is less than the wholesale price of the prescribed drug product, and at least sixty percent of the savings shall be passed on to the purchaser. [1986 c 52 § 2; 1979 c 110 § 3; 1977 ex.s. c 352 § 4.]

## Chapter 69.50

### UNIFORM CONTROLLED SUBSTANCES ACT

#### Sections

69.50.101	Definitions.
69.50.201	Administration of chapter—Authority to change schedules of controlled substances.
69.50.204	Schedule I.
69.50.206	Schedule II.
69.50.208	Schedule III.
69.50.210	Schedule IV.
69.50.212	Schedule V.
69.50.304	Revocation and suspension of registration.
69.50.414	Sale or transfer of controlled substance to minor—Cause of action by parent—Damages.
69.50.505	Seizure and forfeiture.

*Robbery of controlled substances, study by commission: See note following chapter 9A.56 RCW digest.*

#### **69.50.101 Definitions.** As used in this chapter:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation,

ingestion, or any other means, to the body of a patient or research subject by:

(1) a practitioner, or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) "Drug enforcement administration" means the federal drug enforcement administration in the United States Department of Justice, or its successor agency.

(d) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of Article II.

(e) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(g) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(h) "Dispenser" means a practitioner who dispenses.

(i) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(j) "Distributor" means a person who distributes.

(k) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(l) "Immediate precursor" means a substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(m) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly

by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or

(2) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(n) "Marihuana" means all parts of the plant of the genus *Cannabis* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(o) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(p) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(q) "Opium poppy" means the plant of the genus *Papaver* L., except its seeds, capable of producing an opiate.

(r) "Person" means individual, corporation, government or governmental subdivision or agency, business

trust, estate, trust, partnership or association, or any other legal entity.

(s) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(t) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a chiroprapist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state which shares a common border with the state of Washington.

(u) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(v) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(w) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(x) "Board" means the state board of pharmacy.

(y) "Executive officer" means the executive officer of the state board of pharmacy. [1986 c 124 § 1; 1984 c 153 § 18; 1980 c 71 § 2; 1973 2nd ex.s. c 38 § 1; 1971 ex.s. c 308 § 69.50.101.]

**Severability—1973 2nd ex.s. c 38:** "If any of the provisions of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the amendatory act, or the application of the provision to other persons or circumstances, or the act prior to its amendment is not affected." [1973 2nd ex.s. c 38 § 3.]

**69.50.201 Administration of chapter—Authority to change schedules of controlled substances.** (a) The state board of pharmacy shall administer this chapter and may add substances to or delete or reschedule all substances enumerated in the schedules in RCW 69.50.204, 69.50.206, 69.50.208, 69.50.210, or 69.50.212 pursuant to the rule-making procedures of chapter 34.04 RCW. In making a determination regarding a substance, the board shall consider the following:

- (1) the actual or relative potential for abuse;
- (2) the scientific evidence of its pharmacological effect, if known;

(3) the state of current scientific knowledge regarding the substance;

(4) the history and current pattern of abuse;

(5) the scope, duration, and significance of abuse;

(6) the risk to the public health;

(7) the potential of the substance to produce psychic or physiological dependence liability; and

(8) whether the substance is an immediate precursor of a substance already controlled under this Article.

(b) After considering the factors enumerated in subsection (a) the board may issue a rule controlling the substance if it finds the substance has a potential for abuse.

(c) If the board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the board, the substance shall be similarly controlled under this chapter after the expiration of thirty days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty day period, the board objects to inclusion, rescheduling, or deletion. In that case, the board shall proceed pursuant to the rule-making procedures of chapter 34.04 RCW.

(e) Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 66 RCW and Title 26 RCW.

(f) The board shall exclude any nonnarcotic substances from a schedule if such substances may, under the Federal Food, Drug and Cosmetic Act, and under regulations of the drug enforcement administration, and the laws of this state including RCW 18.64.250, be lawfully sold over the counter.

(g) On or before December 1 of each year, the board shall inform the committees of reference of the legislature of the controlled substances added, deleted, or changed on the schedules specified in this chapter and which includes an explanation of these actions. [1986 c 124 § 2; 1971 ex.s. c 308 § 69.50.201.]

**69.50.204 Schedule I.** (a) The controlled substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name, are included in Schedule I.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetylmethadol;

(2) Alfentanil;

(3) Allylprodine;

(4) Alphacetylmethadol;

(5) Alphameprodine;

(6) Alphamethadol;



(7) Alpha-methylfentanyl (N-[1-alpha-methyl-beta-phenyl] ethyl-4-piperidyl] propionanllide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

- (8) Benzethidine;
- (9) Betacetylmethadol;
- (10) Betameprodine;
- (11) Betamethadol;
- (12) Betaprodine;
- (13) Clonitazene;
- (14) Dextromoramide;
- (15) Diampromide;
- (16) Diethylthiambutene;
- (17) Difenoxin;
- (18) Dimenoxadol;
- (19) Dimepheptanol;
- (20) Dimethylthiambutene;
- (21) Dioxaphetyl butyrate;
- (22) Dipipanone;
- (23) Ethylmethylthiambutene;
- (24) Etonitazene;
- (25) Etoxidine;
- (26) Furethidine;
- (27) Hydroxypethidine;
- (28) Ketobemidone;
- (29) Levomoramide;
- (30) Levophenacymorphan;
- (31) Morpheridine;
- (32) Noracymethadol;
- (33) Norlevorphanol;
- (34) Normethadone;
- (35) Norpipanone;
- (36) Phenadoxone;
- (37) Phenampromide;
- (38) Phenomorphan;
- (39) Phenoperidine;
- (40) Piritramide;
- (41) Propheptazine;
- (42) Properidine;
- (43) Propiram;
- (44) Racemoramide;
- (45) Tilidine;
- (46) Trimeperidine.

(c) Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine;
- (2) Acetyldihydrocodeine;
- (3) Benzylmorphine;
- (4) Codeine methylbromide;
- (5) Codeine-N-Oxide;
- (6) Cyprenorphine;
- (7) Desomorphine;
- (8) Dihydromorphine;
- (9) Drotebanol;
- (10) Etorphine (except hydrochloride salt);
- (11) Heroin;
- (12) Hydromorphanol;
- (13) Methyl-desorphine;

- (14) Methyl-dihydromorphine;
- (15) Morphine methylbromide;
- (16) Morphine methylsulfonate;
- (17) Morphine-N-Oxide;
- (18) Myrophine;
- (19) Nicocodeine;
- (20) Nicomorphine;
- (21) Normorphine;
- (22) Pholcodine;
- (23) Thebacon.

(d) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (For purposes of paragraph (d) of this section, only, the term "isomer" includes the optical, position, and geometric isomers.):

- (1) 3,4-methylenedioxy amphetamine;
- (2) 5-methoxy-3,4-methylenedioxy amphetamine;
- (3) 3,4,5-trimethoxy amphetamine;
- (4) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA;
- (5) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA;
- (6) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA;
- (7) 4-methyl-2,5-dimethoxyamphetamine: Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; "STP";
- (8) Bufotenine: Some trade or other names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;
- (9) Diethyltryptamine: Some trade or other names: N,N-Diethyltryptamine; DET;
- (10) Dimethyltryptamine: Some trade or other names: DMT;
- (11) Ibogaine: Some trade or other names: 7-Ethyl-6,6 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2'1,2) azepino (5,4-b) indole; Tabernanthe iboga;
- (12) Lysergic acid diethylamide;
- (13) Marihuana;
- (14) Mescaline;
- (15) Parahexyl-7374; some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo[b,d]pyran; synhexyl;
- (16) Peyote, meaning all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds, or extracts (interprets 21 U.S.C. Sec. 812(c), Schedule I(c)(12));
- (17) N-ethyl-3-piperidyl benzilate;

(18) N-methyl-3-piperidyl benzilate;

(19) Psilocybin;

(20) Psilocyn;

(21) Tetrahydrocannabinols, synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, specifically, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:

(i) Delta 1 - cis - or trans tetrahydrocannabinol, and their optical isomers;

(ii) Delta 6 - cis - or trans tetrahydrocannabinol, and their optical isomers;

(iii) Delta 3.4 - cis - or trans tetrahydrocannabinol, and its optical isomers; (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered, are all included.)

(22) Ethylamine analog of phencyclidine: Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

(23) Pyrrolidine analog of phencyclidine: Some trade or other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

(24) Thiophene analog of phencyclidine: Some trade or other names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienylanalog of phencyclidine; TCP; TCP.

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of mecloqualone having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

(1) Mecloqualone;

(2) Methaqualone.

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Fenethyline;

(2) N-ethylamphetamine;

(3) 3-methylfentanyl (N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide), its optical and geometric isomers, salts and salts of isomers;

(4) 3,4-methylenedioxyamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers;

(5) 1-methyl-4-phenyl-4-propionoxy-piperidine (MPPP), its optical isomers, salts, and salts of isomers;

(6) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its optical isomers, salts and salts of isomers. [1986 c 124 § 3; 1980 c 138 § 1; 1971 ex.s. c 308 § 69.50.204.]

State board of pharmacy may change schedules of controlled substances: RCW 69.50.201.

**69.50.206 Schedule II.** (a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule II.

(b) Substances. (Vegetable origin or chemical synthesis.) Unless specifically excepted, any of the following substances, except those listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, naloxone, and naltrexone, and their respective salts, but including the following:

(i) Raw opium;

(ii) Opium extracts;

(iii) Opium fluid extracts;

(iv) Powdered opium;

(v) Granulated opium;

(vi) Tincture of opium;

(vii) Codeine;

(viii) Ethylmorphine;

(ix) Etorphine hydrochloride;

(x) Hydrocodone;

(xi) Hydromorphone;

(xii) Metopon;

(xiii) Morphine;

(xiv) Oxycodone;

(xv) Oxymorphone; and

(xvi) Thebaine.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (b)(1) of this section, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(5) Methylbenzoylcocaine (cocaine — its salts, optical isomers, and salts of optical isomers).

(6) Concentrate of poppy straw (The crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy.)

(c) Opiates. Unless specifically excepted or unless in another schedule, any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

(1) Alphaprodine;

(2) Anileridine;

(3) Bezitramide;

(4) Bulk dextropropoxyphene (nondosage forms);

(5) Dihydrocodeine;

- (6) Diphenoxylate;
- (7) Fentanyl;
- (8) Isomethadone;
- (9) Levomethorphan;
- (10) Levorphanol;
- (11) Metazocine;
- (12) Methadone;
- (13) Methadone—Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
- (14) Moramide—Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
- (15) Pethidine (meperidene);
- (16) Pethidine—Intermediate—A, 4-cyano-1-methyl-4-phenylpiperidine;
- (17) Pethidine—Intermediate—B, ethyl-4-phenylpiperidine-4-carboxylate;
- (18) Pethidine—Intermediate—C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- (19) Phenazocine;
- (20) Piminodine;
- (21) Racemethorphan;
- (22) Racemorphan;
- (23) Sufentanil.

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (2) Methamphetamine, its salts, isomers, and salts of its isomers;
- (3) Phenmetrazine and its salts;
- (4) Methylphenidate.

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Amobarbital;
- (2) Pentobarbital;
- (3) Phencyclidine;
- (4) Secobarbital.

(f) Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

- (1) Immediate precursor to amphetamine and methamphetamine:
- (2) Phenylacetone: Some trade or other names phenyl-2-propanone, P2P, benzyl methyl ketone, methyl benzyl ketone.
- (3) Immediate precursors to phencyclidine (PCP):
  - (i) 1-phenylcyclohexylamine;
  - (ii) 1-piperidinocyclohexanecarbonitrile (PCC). [1986 c 124 § 4; 1980 c 138 § 2; 1971 ex.s. c 308 § 69.50.206.]

*State board of pharmacy may change schedules of controlled substances: RCW 69.50.201.*

**69.50.208 Schedule III.** (a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations are referred to as excepted compounds in Schedule III as published in 21 CFR 1308.13(b)(1) as of April 1, 1985, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

- (2) Benzphetamine;
- (3) Chlorphentermine;
- (4) Clortermine;
- (5) Phendimetrazine.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing:

- (i) Amobarbital;
- (ii) Secobarbital;
- (iii) Pentobarbital;

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;

(2) Any suppository dosage form containing:

- (i) Amobarbital;
- (ii) Secobarbital;
- (iii) Pentobarbital;

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;

- (4) Chlorhexadol;
- (5) Glutethimide;
- (6) Lysergic acid;
- (7) Lysergic acid amide;
- (8) Methyprylon;
- (9) Sulfondiethylmethane;
- (10) Sulfonethylmethane;
- (11) Sulfonmethane.
- (d) Nalorphine.

(e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts

thereof calculated as the free anhydrous base or alkaloid, in limited quantities as set forth in paragraph (e) of this section:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeine per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts. [1986 c 124 § 5; 1980 c 138 § 3; 1971 ex.s. c 308 § 69.50.208.]

*State board of pharmacy may change schedules of controlled substances: RCW 69.50.201.*

**69.50.210 Schedule IV.** (a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule IV.

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(2) Dextropropoxyphene (alpha-(+)-ε-dimethylamino-1,2-diphenyl-3-methyl-2 propionoxybutane).

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Alprazolam;
- (2) Barbitol;
- (3) Chloral betaine;
- (4) Chloral hydrate;
- (5) Chlordiazepoxide;
- (6) Clonazepam;
- (7) Clorazepate;
- (8) Diazepam;
- (9) Ethchlorvynol;
- (10) Ethinamate;
- (11) Flurazepam;
- (12) Halazepam;
- (13) Lorazepam;
- (14) Mebutamate;
- (15) Meprobamate;
- (16) Methohexital;
- (17) Methylphenobarbital (mephobarbital);
- (18) Oxazepam;
- (19) Paraldehyde;
- (20) Petrichloral;
- (21) Phenobarbital;
- (22) Prazepam;
- (23) Temazepam;
- (24) Triazolam.

(d) Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible.

- (1) Fenfluramine.

(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Diethylpropion;
- (2) Mazindol;
- (3) Pemoline (including organometallic complexes and chelates thereof);
- (4) Phentermine;
- (5) Pipradrol;
- (6) SPA ((-)-1-dimethylamino-1, 2-dephenylethane.

(f) Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts:

- (1) Pentazocine. [1986 c 124 § 6; 1981 c 147 § 2; 1980 c 138 § 4; 1971 ex.s. c 308 § 69.50.210.]

*State board of pharmacy may change schedules of controlled substances: RCW 69.50.201.*

**69.50.212 Schedule V.** (a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule V.

(b) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth in this section, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

(6) Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

(c) Buprenorphine. [1986 c 124 § 7; 1980 c 138 § 5; 1971 ex.s. c 308 § 69.50.212.]

*State board of pharmacy may change schedules of controlled substances: RCW 69.50.201.*

#### **69.50.304 Revocation and suspension of registration.**

(a) A registration, or exemption from registration, under RCW 69.50.303 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the state board of pharmacy upon a finding that the registrant:

(1) has furnished false or fraudulent material information in any application filed under this chapter;

(2) has been found guilty of a felony under any state or federal law relating to any controlled substance;

(3) has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or

(4) has violated any state or federal rule or regulation regarding controlled substances.

(b) The board may limit revocation or suspension of a registration to the particular controlled substance or schedule of controlled substances, with respect to which grounds for revocation or suspension exist.

(c) If the board suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances may be forfeited to the state.

(d) The board shall promptly notify the drug enforcement administration of all orders suspending or revoking

registration and all forfeitures of controlled substances. [1986 c 124 § 8; 1971 ex.s. c 308 § 69.50.304.]

**69.50.414 Sale or transfer of controlled substance to minor—Cause of action by parent—Damages.** The parent or legal guardian of any minor to whom a controlled substance, as defined in RCW 69.50.101, is sold or transferred, shall have a cause of action against the person who sold or transferred the controlled substance for all damages to the minor or his or her parent or legal guardian caused by such sale or transfer. Damages shall include: (a) Actual damages, including the cost for treatment or rehabilitation of the minor child's drug dependency, (b) forfeiture to the parent or legal guardian of the cash value of any proceeds received from such sale or transfer of a controlled substance, and (c) reasonable attorney fees.

This section shall not apply to a practitioner, as defined in RCW 69.50.101(t), who sells or transfers a controlled substance to a minor pursuant to a valid prescription or order. [1986 c 124 § 10.]

**69.50.505 Seizure and forfeiture.** (a) The following are subject to seizure and forfeiture:

(1) All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this chapter;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale of property described in paragraphs (1) or (2), but:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent;

(iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(iv) When the owner of a conveyance has been arrested under this chapter the conveyance may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter;

(6) All drug paraphernalia; and

(7) All moneys, negotiable instruments, securities, or other intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter: *Provided*, That no property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent.

(b) Property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) or (a)(7) of this section within forty-five days of the seizure, the item seized shall be deemed forfeited.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) or (a)(7) of this section within forty-five days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer

of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of items specified in subsection (a)(4) or (a)(7) of this section. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(4) or (a)(7) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Fifty percent of the money remaining after payment of such expenses shall be deposited in the general fund of the state, county, and/or city of the seizing law enforcement agency, and fifty percent shall be remitted to the state treasurer for deposit in the public safety and education account established in RCW 43.08.250;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants. [1986 c 124 § 9; 1984 c 258 § 333; 1983 c 2 § 15. Prior: 1982 c 189 § 6; 1982 c 171 § 1; prior: 1981 c 67 § 32; 1981 c 48 § 3; 1977 ex.s. c 77 § 1; 1971 ex.s. c 308 § 69.50.505.]

**Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258:** See notes following RCW 3.30.010.

**Intent—1984 c 258:** See note following RCW 3.46.120.

**Severability—1983 c 2:** See note following RCW 18.71.030.

**Effective date—1982 c 189:** See note following RCW 34.12.020.

**Severability—Effective date—1982 c 171:** See RCW 69.52.900 and 69.52.901.

**Severability—1981 c 48:** See note following RCW 69.50.102.

## Chapter 69.54

### DRUG AND ALCOHOL REHABILITATION, EDUCATION PROGRAMS—DRUG TREATMENT CENTERS

#### Sections

69.54.030	Drug treatment centers—Application for certification—Approval.
69.54.035	Standards for methadone treatment centers—Report to legislature.

**69.54.030 Drug treatment centers—Application for certification—Approval.** Every drug treatment center in this state shall apply to the secretary of social and health services for certification as an approved drug treatment center: *Provided*, That after March 12, 1986, no certifications shall be made until the standards developed by the department shall have been established, pursuant to RCW 69.54.035, or until December 1, 1986, whichever is soonest.

The secretary of social and health services shall issue application forms which shall require the following, where applicable:

(1) The name and address of the applicant drug treatment center;

(2) The name of the director or head of such drug treatment center;

(3) The names of the members of the board of directors or sponsors of such drug treatment center;

(4) The names and addresses of all physicians affiliated with such drug treatment center;

(5) A short description of the nature of treatment and/or rehabilitation used by such drug treatment center; and the qualifications of staff to employ such treatment and/or rehabilitation methods;

(6) The source of funds used to finance the activities of such drug treatment center;

(7) Any other information required by rule or regulation of the secretary of social and health services pertaining to the qualifications of such drug treatment center.

The secretary of social and health services may either grant or deny approval or revoke or suspend approval previously granted after investigation to ascertain whether or not such center is adequate to the care, treatment, and rehabilitation of such persons who have voluntarily submitted themselves to the care of such center; such grant, denial or revocation of approval shall be in accordance with standards as set forth in rules and regulations promulgated by the secretary.

No program may be certified by the department in any county, where the county legislative authority has prohibited methadone treatment. Counties may license methadone treatment programs based on compliance with the department's treatment regulations under this section and RCW 69.54.035. Counties shall be authorized to monitor methadone treatment programs for compliance with the department's treatment regulations under this section and RCW 69.54.035. Any county legislative authority may limit the number of licenses granted in that county where such number is based on methadone programs per population provided that such number shall not be less than the number of clinics certified in such county as of March 12, 1986.

In certifying programs or awarding contracts, neither the department nor any county may discriminate against any methadone program on the basis of its corporate structure.

Any program applying for certification from the department and any program applying for a contract from any state agency or any county legislative authority which has been denied such certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

Such approval shall be effective for one calendar year from the date of such approval. Renewal of approval shall be made in accordance with the provisions of this section for initial approval and in accordance with the standards set forth in rules and regulations promulgated by the secretary. [1986 c 53 § 2; 1971 ex.s. c 304 § 3.]

**Severability—1986 c 53:** "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." [1986 c 53 § 3.]

**69.54.035 Standards for methadone treatment centers—Report to legislature.** The department, in consultation with treatment service providers, shall establish state-wide treatment standards for methadone treatment centers no later than December 1, 1986, and shall submit such standards to the legislature in a report for review and consideration prior to the regular session of the legislature in 1987. [1986 c 53 § 1.]

**Severability—1986 c 53:** See note following RCW 69.54.030.

**Title 70**  
**PUBLIC HEALTH AND SAFETY**

**Chapters**

- 70.14** Health care services purchased by state agencies.
- 70.41** Hospital licensing and regulation.
- 70.43** Hospital staff membership or privileges.
- 70.48** City and county jails act.
- 70.48A** Jail improvement and construction—Bond issue.
- 70.54** Miscellaneous health and safety provisions.
- 70.62** Transient accommodations—Licensing—Inspections.
- 70.75** Fire fighting equipment—Standardization.
- 70.77** State fireworks law.
- 70.79** Boilers and unfired pressure vessels.
- 70.90** Water recreation facilities.
- 70.94** Washington clean air act.
- 70.95** Solid waste management—Recovery and recycling.
- 70.98** Nuclear energy and radiation.
- 70.105** Hazardous waste management.
- 70.108** Outdoor music festivals.
- 70.119A** Public water supply systems—Penalties and compliance.
- 70.136** Hazardous materials incidents.
- 70.146** Water pollution control facilities financing.
- 70.150** Water quality joint development act.
- 70.160** Washington clean indoor air act.

**Chapter 70.14****HEALTH CARE SERVICES PURCHASED BY STATE AGENCIES****Sections**

- 70.14.010** State agencies to establish health care information systems.
- 70.14.020** State agencies to identify alternative health care providers.
- 70.14.030** Health care utilization review procedures.
- 70.14.040** Review of prospective rate setting methods.
- 70.14.050** Drug purchasing cost controls—Establishment of drug formularies.

*State health care cost containment policies: RCW 43.41.160.*

**70.14.010 State agencies to establish health care information systems.** The following state agencies are directed to cooperate with the office of financial management in order to establish appropriate health care information systems in their programs: The department of social and health services, the department of labor and industries, the state employees' insurance board, the department of veterans affairs, and the department of corrections.

The office of financial management, in conjunction with such agencies, shall determine:

- (1) Definitions of health care services;
- (2) Health care data elements common to all agencies;

- (3) Health care data elements unique to each agency;
- (4) A mechanism for program and budget review of health care data; and
- (5) Executive review of health care data. [1986 c 303 § 6.]

**70.14.020 State agencies to identify alternative health care providers.** Each of the agencies listed in RCW 70.14.010, with the exception of the department of labor and industries, which expends more than five hundred thousand dollars annually of state funds for purchase of health care shall identify the availability and costs of nonfee for service providers of health care, including preferred provider organizations, health maintenance organizations, managed health care or case management systems, or other nonfee for service alternatives. In each case where feasible in which an alternative health care provider arrangement, of similar scope and quality, is available at lower cost than fee for service providers, such state agencies shall make the services of the alternative provider available to clients, consumers, or employees for whom state dollars are spent to purchase health care. As consistent with other state and federal law, requirements for copayments, deductibles, the scope of available services, or other incentives shall be used to encourage clients, consumers, or employees to use the lowest cost providers, except that copayments or deductibles shall not be required where they might have the impact of denying access to necessary health care in a timely manner. [1986 c 303 § 7.]

*Medical assistance—Agreements with managed health care systems: RCW 74.09.522.*

**70.14.030 Health care utilization review procedures.** Plans for establishing or improving utilization review procedures for purchased health care services shall be developed by each agency listed in RCW 70.14.010. The plans shall specifically address such utilization review procedures as prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and the obtaining of second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers. [1986 c 303 § 8.]

**70.14.040 Review of prospective rate setting methods.** The state agencies listed in RCW 70.14.010 shall review the feasibility of establishing prospective payment approaches within their health care programs. Work plans or timetables shall be prepared for the development of prospective rates. The agencies shall identify legislative actions that may be necessary to facilitate the adoption of prospective rate setting methods. [1986 c 303 § 9.]

**70.14.050 Drug purchasing cost controls—Establishment of drug formularies.** (1) Each agency listed in RCW 70.14.010 shall individually or in cooperation with other agencies take any necessary actions to control costs without reducing the quality of care when reimbursing for or purchasing drugs. To accomplish this purpose, each agency shall investigate the feasibility of



and may establish a drug formulary designating which drugs may be paid for through their health care programs. For purposes of this section, a drug formulary means a list of drugs, either inclusive or exclusive, that defines which drugs are eligible for reimbursement by the agency.

(2) In developing the drug formulary authorized by this section, agencies:

(a) Shall prohibit reimbursement for drugs that are determined to be ineffective by the United States food and drug administration;

(b) Shall adopt rules in order to ensure that less expensive generic drugs will be substituted for brand name drugs in those instances where the quality of care is not diminished;

(c) Where possible, may authorize reimbursement for drugs only in economical quantities;

(d) May limit the prices paid for drugs by such means as central purchasing, volume contracting, or setting maximum prices to be paid;

(e) Shall consider the approval of drugs with lower abuse potential in substitution for drugs with significant abuse potential; and

(f) May take other necessary measures to control costs of drugs without reducing the quality of care.

(3) Agencies may provide for reasonable exceptions to the drug formulary required by this section.

(4) Agencies may establish medical advisory committees, or utilize committees already established, to assist in the development of the drug formulary required by this section. [1986 c 303 § 10.]

## Chapter 70.41

### HOSPITAL LICENSING AND REGULATION

#### Sections

70.41.080	Fire protection.
70.41.200	Medical malpractice prevention program—Quality assurance committee—Sanction and grievance procedures—Information collection and reporting.
70.41.210	Duty to report restrictions on physicians' privileges based on unprofessional conduct—Penalty.
70.41.220	Duty to keep records of restrictions on practitioners' privileges—Penalty.
70.41.230	Duty of hospital to request information on physicians granted privileges.

*Identification of potential organ and tissue donors—Hospital procedures: RCW 68.08.650.*

*Standards and procedures for hospital staff membership or privileges: Chapter 70.43 RCW.*

**70.41.080 Fire protection.** Standards for fire protection and the enforcement thereof, with respect to all hospitals to be licensed hereunder shall be the responsibility of the director of community development, through the director of fire protection, who shall adopt, after approval by the department, such recognized standards as may be applicable to hospitals for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the state fire marshal

in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the director of community development, through the director of fire protection, or his or her deputy, shall make an inspection of the hospital to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as adopted pursuant to this chapter, he or she shall promptly make a written report to the hospital and to the department listing the corrective actions required and the time allowed for accomplishing such corrections. The applicant or licensee shall notify the director of community development, through the director of fire protection, upon completion of any corrections required by him or her, and the director of community development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the hospital to be licensed meets with the approval of the director of community development, through the director of fire protection, he or she shall submit to the department a written report approving the hospital with respect to fire protection, and such report is required before a full license can be issued. The director of community development, through the director of fire protection, shall make or cause to be made inspections of such hospitals at least once a year.

In cities which have in force a comprehensive building code, the provisions of which are determined by the director of community development, through the director of fire protection, to be equal to the minimum standards of the code for hospitals adopted by the director of community development, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the director of community development, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued. [1986 c 266 § 94; 1985 c 213 § 19; 1955 c 267 § 8.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**Savings—Effective date—1985 c 213:** See notes following RCW 43.20.050.

*State fire protection: Chapter 48.48 RCW.*

**70.41.200 Medical malpractice prevention program—Quality assurance committee—Sanction and grievance procedures—Information collection and reporting.** (1) Every hospital shall maintain a coordinated program for the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality assurance committee with the responsibility to review the services rendered in the hospital in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the medical malpractice prevention program and shall insure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures. At least one member of the committee shall be a member of

the governing board of the hospital who is not otherwise affiliated with the hospital in an employment or contractual capacity;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with patient safety, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the medical malpractice prevention program or who, in substantial good faith, participates on the quality assurance committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(3) Information and documents, including complaints and incident reports, created, collected, and maintained about health care providers arising out of the matters that are subject to evaluation by a review committee conducting quality assurance reviews are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or board shall be permitted or required to testify in any civil action as to the content of such proceedings. This subsection does not preclude: (a) In any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (b) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality assurance committees regarding such health care provider; or

(c) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any.

(4) The department of social and health services shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(5) The medical disciplinary board or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(6) Violation of this section shall not be considered negligence per se. [1986 c 300 § 4.]

**Legislative findings—Severability—1986 c 300:** See notes following RCW 18.72.040.

**70.41.210 Duty to report restrictions on physicians' privileges based on unprofessional conduct—Penalty.**

The chief administrator or executive officer of a hospital shall report to the \*board when a physician's clinical privileges are terminated or are restricted based on a determination, in accordance with an institution's by-laws, that a physician has either committed an act or acts which may constitute unprofessional conduct. The officer shall also report if a physician accepts voluntary termination in order to foreclose or terminate actual or possible hospital action to suspend, restrict, or terminate a physician's clinical privileges. Such a report shall be made within sixty days of the date action was taken by the hospital's peer review committee or the physician's acceptance of voluntary termination or restriction of privileges. Failure of a hospital to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars. [1986 c 300 § 7.]

\*Reviser's note: "board" apparently refers to the medical disciplinary board under chapter 18.72 RCW.

**Legislative findings—Severability—1986 c 300:** See notes following RCW 18.72.040.

**70.41.220 Duty to keep records of restrictions on practitioners' privileges—Penalty.**

Each hospital shall keep written records of decisions to restrict or terminate privileges of practitioners. Copies of such records shall be made available to the board within thirty days of a request and all information so gained shall remain confidential in accordance with RCW 70.41.200 and 70.41.230 and shall be protected from the discovery process. Failure of a hospital to comply with this section is punishable by [a] civil penalty not to exceed two hundred fifty dollars. [1986 c 300 § 8.]

**Legislative findings—Severability—1986 c 300:** See notes following RCW 18.72.040.

**70.41.230 Duty of hospital to request information on physicians granted privileges.** (1) Prior to granting or renewing clinical privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice;

(b) If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Prior to granting privileges or association to any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician had or has privileges, was associated, or was employed, the following information concerning the physician:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.72.265.

(3) The medical disciplinary board shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created, collected, and maintained

about health care providers arising out of the matters that are subject to evaluation by a review committee conducting quality assurance reviews are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or board shall be permitted or required to testify in any civil action as to the content of such proceedings. This subsection does not preclude: (a) In any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (b) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality assurance committees regarding such health care provider; or (c) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any.

(6) Hospitals shall be granted access to information held by the medical disciplinary board and the board of osteopathic medicine and surgery pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se. [1986 c 300 § 11.]

**Legislative findings—Severability—1986 c 300:** See notes following RCW 18.72.040.

## Chapter 70.43

### HOSPITAL STAFF MEMBERSHIP OR PRIVILEGES

#### Sections

70.43.010	Applications for membership or privileges—Standards and procedures.
70.43.020	Applications for membership or privileges—Discrimination based on type of license prohibited—Exception.
70.43.030	Violations of RCW 70.43.010 or 70.43.020—Injunctive relief.

**70.43.010 Applications for membership or privileges—Standards and procedures.** Within one hundred eighty days of June 11, 1986, the governing body of every hospital licensed under chapter 70.41 RCW shall set standards and procedures to be applied by the hospital and its medical staff in considering and acting upon applications for staff membership or professional privileges. [1986 c 205 § 1.]

**70.43.020 Applications for membership or privileges—Discrimination based on type of license prohibited—Exception.** The governing body of any hospital, except any hospital which employs its medical staff, in considering and acting upon applications for staff membership or professional privileges within the scope of the applicants' respective licenses, shall not discriminate against a qualified person solely on the basis of whether such person is licensed under chapters 18.71, 18.57, or 18.22 RCW. [1986 c 205 § 2.]

**70.43.030 Violations of RCW 70.43.010 or 70.43.020—Injunctive relief.** Any person may apply to superior court for a preliminary or permanent injunction restraining a violation of RCW 70.43.010 or 70.43.020. This action is an additional remedy not dependent on the adequacy of the remedy at law. Nothing in this chapter shall require a hospital to grant staff membership or professional privileges until a final determination is made upon the merits by the hospital governing body. [1986 c 205 § 3.]

### Chapter 70.48

#### CITY AND COUNTY JAILS ACT

Sections	
70.48.020	Definitions.
70.48.030	Repealed.
70.48.040	Repealed.
70.48.050	Board—Powers and duties.
70.48.060	Capital construction—Financial assistance— Rules—Oversight—Cost estimates.
70.48.070	Jails—Compliance with chapter, rules, regulations, and standards directed—Variances.
70.48.080	Closure of jails not meeting standards—Proce- dure—Transfer of prisoners.
70.48.090	Interlocal contracts for jail services—Responsibility for operation of jail—Departments of corrections authorized.
70.48.110	Costs of new construction or remodeling—Ap- proval—Conditions—Board's duties— Payments.
70.48.120	Local jail improvement and construction account.
70.48.130	Emergency or necessary health care for confined per- sons—Reimbursement procedures—Condi- tions—Limitations.
70.48.150	Repealed.
70.48.160	Post-approval limitation on funding.
70.48.200	Planning jail facility capacity, funding.
70.48.260	General obligation bonds authorized for jail construc- tion, improvement, and related costs.
70.48.280	Proceeds of bond sale—Deposits—Administration.
70.48.330	Jails to meet board standards—Exception.

**70.48.020 Definitions.** As used in this chapter the words and phrases in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Holding facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the temporary housing of such persons during or after trial and/or sentencing, but in no instance shall the housing exceed thirty days.

(2) "Detention facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety days.

(3) "Special detention facility" means a minimum security facility operated by a governing unit primarily designed, staffed, and used for the housing of special populations of sentenced persons who do not require the

level of security normally provided in detention and correctional facilities including, but not necessarily limited to, persons convicted of offenses under RCW 46.61.502 or 46.61.504.

(4) "Correctional facility" means a facility operated by a governing unit primarily designed, staffed, and used for the housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction, and rehabilitation following conviction of a criminal offense.

(5) "Jail" means any holding, detention, special detention, or correctional facility as defined in this section.

(6) "Health care" means preventive, diagnostic, and rehabilitative services provided by licensed health care professionals and/or facilities; such care to include providing prescription drugs where indicated.

(7) "Board" means the state corrections standards board.

(8) "Substantially remodeled" means significant alterations made to the physical plant of a jail to conform with the physical plant standards.

(9) "Governing unit" means the city and/or county or any combinations of cities and/or counties responsible for the operation, supervision, and maintenance of a jail.

(10) "Mandatory custodial care standards" means those minimum standards, rules, or regulations that are adopted pursuant to RCW 70.48.050(1)(a) and 70.48.070(1) for jails to meet federal and state constitutional requirements relating to the health, safety, security, and welfare of inmates.

(11) "Advisory custodial care standards" means custodial care standards recommended by the board which are not mandatory.

(12) "Physical plant standards" and "physical plant requirements" mean those minimum standards, rules, or regulations that are prescribed by the board that relate to structural specifications of the physical plant, including but not limited to size of cells and rooms within a jail, design of facilities, and specifications for fixtures and other equipment.

(13) "Jail inspector" means a person with at least five years in a supervisory position as a law enforcement or custodial corrections officer.

(14) "Major urban" means a county or combination of counties which has a city having a population greater than twenty-six thousand based on the 1978 projections of the office of financial management.

(15) "Medium urban" means a county or combination of counties which has a city having a population equal to or greater than ten thousand but less than twenty-six thousand based on the 1978 projections of the office of financial management.

(16) "Rural" means a county or combination of counties which has a city having a population less than ten thousand based on the 1978 projections of the office of financial management. [1986 c 118 § 1; 1983 c 165 § 34; 1981 c 136 § 25; 1979 ex.s. c 232 § 11; 1977 ex.s. c 316 § 2.]

**Legislative finding, intent—Effective dates—Severability—1983 c 165:** See notes following RCW 46.20.308.

**Effective date—1981 c 136:** See RCW 72.09.900.

**Severability—1977 ex.s. c 316:** See note following RCW 70.48.010.

**70.48.030 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**70.48.040 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**70.48.050 Board—Powers and duties.** In addition to any other powers and duties contained in this chapter, the board shall have the powers and duties:

(1) To adopt such rules and regulations, after approval by the legislature, pursuant to chapter 34.04 RCW, as it deems necessary and consistent with the purposes and intent of this chapter on the following subjects:

(a) Mandatory custodial care standards that are essential for the health, welfare, and security of persons confined in jails. In adopting each rule or regulation pertaining to mandatory custodial care standards, the board shall cite the applicable case law, statutory law or constitutional provision which requires such rule or regulation. The board shall grant variances from custodial care standards to governing units which operate jails with physical deficiencies which directly affect their ability to comply with these standards, if the governing unit is eligible for and has applied for funds under RCW 70.48.110. The variances remain in effect until state funding to improve or reconstruct the jails of these governing units has been expended for that purpose;

(b) Advisory custodial care standards;

(c) The classification and uses of holding, detention, and correctional facilities. Except for the housing of work releasees in accordance with board rules, a person may not be held in a holding facility longer than seventy-two hours, exclusive of weekends and holidays, without being transferred to a detention or correctional facility unless the court having jurisdiction over the individual authorizes a longer holding, but in no instance shall the holding exceed thirty days;

(d) The content of jail records which shall be maintained by the department of corrections or the chief law enforcement officer of the governing unit. In addition the governing unit, chief law enforcement officer, or department of corrections may require such additional records as they deem proper; and

(e) The segregation of persons and classes of persons confined in holding, detention, and correctional facilities;

(2) To investigate, develop, and encourage alternative and innovative methods in all phases of jail operation;

(3) To make comments, reports, and recommendations concerning all phases of jail operation including those not specifically described in this chapter;

(4) To hire necessary staff, acquire office space, supplies, and equipment, and make such other expenditures as may be deemed necessary to carry out its duties;

(5) To adopt minimum physical plant standards pursuant to chapter 34.04 RCW for jails. The board may preempt any provisions of the state building code under chapter 19.27 RCW and any local ordinances that apply to jails or a particular jail if the provisions relate to the

installation or use of sprinklers in the cells and the board finds that compliance with the provisions would conflict with the secure and humane operation of jails or the particular jail;

(6) To cause all jails to be inspected at least annually by designated jail inspectors and to issue a certificate of compliance to each facility which is found to satisfactorily meet the requirements of this chapter and the rules, regulations, and standards adopted hereunder: *Provided*, That certificates of partial compliance may be issued where applicable. The inspectors shall have access to all portions of jails, to all prisoners confined therein, and to all records maintained by said jails; and

(7) To establish advisory guidelines and model ordinances to assist governing units in establishing the agreements necessary for the joint operation of jails and for the determination of the rates of allowance for the daily costs of holding a prisoner pursuant to the provisions of RCW 70.48.080(6). [1986 c 118 § 2; 1981 2nd ex.s. c 12 § 4; 1981 c 276 § 1; 1979 ex.s. c 232 § 13; 1977 ex.s. c 316 § 5.]

**Severability—1977 ex.s. c 316:** See note following RCW 70.48.010.

**70.48.060 Capital construction—Financial assistance—Rules—Oversight—Cost estimates.** (1) Any funds allocated to a governing unit for jail construction or renovation pursuant to this chapter shall constitute full funding of the cost of implementing the physical plant standards within the meaning of RCW 70.48.070(2). Jail construction or renovation represents the full extent of the state's financial commitment with regard to jails. Local governing units are responsible for funding all costs of operating jails.

(2) As a condition of eligibility for such financial assistance as may be provided by or through the state of Washington exclusively for the construction and/or modernization of jails, all jail construction and/or substantial remodeling projects shall be submitted by the governing unit to the board which shall review all submitted projects in accordance with rules to be adopted by the board and shall approve or reject each project for purposes of state funding. The board shall allocate available funding to the projects approved for funding in accordance with moneys actually available and the priorities established by the board under this section.

(3) The rules to be adopted by the board for purposes of approving or denying requests for state funds for jail construction or remodeling shall:

(i) Limit state funding to the minimum amount required to fully implement the physical plant standards;

(ii) Encourage the voluntary consolidation of jail facilities and programs of contiguous governing units where feasible: *Provided*, That such consolidation is approved by all participating governing units: *Provided further*, That the board may fund the minimum cost of approved remodeling of an existing county jail facility to be operated as a holding facility in the future when that county is a party to a multi-county consolidation agreement which meets the requirements of RCW 70.48.090, the cost of such holding facility remodeling project(s)

and of the consolidated correctional facility project does not exceed the established maximum budgets for current detention and/or correctional facility projects of those governing units, and approval of such a revised concept maximizes the beds to be provided while maintaining or reducing the construction costs;

(iii) Insure that each governing unit or consolidation of governing units applying for state funds under this chapter has submitted a plan which demonstrates that pretrial and posttrial alternatives to incarceration are being considered within the governmental unit;

(iv) Establish criteria and procedures for setting priorities among the projects approved for state funding for purposes of allocating state funds actually available; and

(v) Establish procedures for the submission, review, and approval or denial of projects submitted and appeals from adverse determinations, including time periods applicable thereto.

(4) The board shall review all submitted projects with the office of financial management and the office of financial management shall provide technical assistance to the board for purposes of insuring the accuracy of statistical information to be used by the board in determining projects to be funded.

(5) The board shall oversee approved construction and remodeling to the extent necessary to assure compliance with the standards adopted and approved pursuant to RCW 70.48.050(5).

(6) The board shall develop estimates of the costs of the capital construction grants for each biennium required under the provisions of this chapter. The estimates shall be submitted to the office of financial management consistent with the provisions of chapter 43.88 RCW and the office of financial management shall review and approve or disapprove within thirty days.

(7) The board and the office of financial management shall jointly report to the legislature on or before the convening of a regular session as to the projects approved for funding, construction status of such projects, funds expended and encumbered to date, and updated population and incarceration statistics.

(8) The board shall examine, and by December 1, 1980, present to the legislature recommendations relating to detention and correctional services, including the formulation of the role of state and local governing units regarding detention and correctional facilities. [1986 c 118 § 3; 1982 c 87 § 1; 1979 ex.s. c 232 § 9; 1979 c 151 § 170; 1977 ex.s. c 316 § 6.]

**Severability**—1977 ex.s. c 316: See note following RCW 70.48.010.

**70.48.070 Jails—Compliance with chapter, rules, regulations, and standards directed—Variances.** All jails shall be constructed, operated, and maintained in compliance with the provisions and intent of this chapter and the rules, regulations, and standards adopted thereunder: *Provided*, That, as limited by this section, compliance with such rules, regulations, and standards shall be pursuant to the time schedules set by the board for classes of facilities:

(1) The mandatory custodial care standards that are essential for the health, welfare, and security of persons confined, which are adopted pursuant to RCW 70.48.050(1)(a), shall be proposed to the legislature no later than December 31, 1978;

(2) The physical plant standards which are adopted and approved pursuant to RCW 70.48.050(5) shall not be mandatory unless, pursuant to the provisions of RCW 70.48.110, the state fully funds the cost of implementing such standards for detention and correctional facilities: *Provided*, That, such funds shall be subject to appropriation: *Provided further*, That after such funds are made available, local jurisdictions shall have a period of time before such standards are mandatory that is adequate to effect any needed construction or repairs: *Provided further*, That those provisions of RCW 70.48.060 and 70.48.110 requiring approval prior to funding and commencement of construction or remodeling shall not apply to prevent the funding of jails of governing units which have appropriated funds for substantial remodeling or construction of jails after February 16, 1974, and before June 23, 1977. Approval in such cases may be given retroactively: *Provided further*, That the board may grant variances from the physical plant standards consistent with the intent of this chapter, and such standards shall otherwise be mandatory for purposes of this section and RCW 70.48.080 and jail facilities approved by the board shall be deemed to comply with the physical plant standards;

(3) The mandatory custodial care standards and physical plant standards as submitted to the legislature on December 20, 1978 are hereby approved and shall take effect after adoption. Mandatory custodial care standards shall be complied with no later than October 1, 1979;

(4) Modifications of the standards or additional standards may be adopted by the board pursuant to chapter 34.04 RCW. [1986 c 118 § 4; 1979 ex.s. c 232 § 14; 1979 c 147 § 2; 1977 ex.s. c 316 § 7.]

**Severability**—1977 ex.s. c 316: See note following RCW 70.48.010.

**70.48.080 Closure of jails not meeting standards—Procedure—Transfer of prisoners.** All jails which do not meet the appropriate mandatory custodial care standards and physical plant standards may be required to be closed, entirely or in part, until such requirements are met, pursuant to the following procedures:

(1) In the event the board finds a jail does not comply with the appropriate mandatory custodial care and/or physical plant standards, notice shall be given to the governing unit which shall be either a notice of noncompliance, a notice of conditional compliance for the continued operation of the jail under such restrictions as the board determines to be appropriate, or a notice of full or partial closure.

(2) Such notices shall specify the manner in which the jail does not comply with the standards. In issuing such notices consideration shall be given to the magnitude and seriousness of the deficiencies and their potential effect on the health and safety of jail inmates, the cost of

correction, and other information deemed relevant by the board.

(3) (a) If the board issues a notice of noncompliance, it shall specify in the notice the time limits within which the standards are to be met.

(b) If the board determines that there will be compliance with the standards provided that certain conditions or restrictions which the board determines to be appropriate are applied, the board may issue a notice of conditional compliance setting out the conditions and restrictions which the board determines to be appropriate. A certificate of conditional compliance may be issued thereon.

(c) In those cases where the nature and extent of the deficiencies are such that a notice of immediate full or partial closure is deemed necessary by the board in order to preserve the health and safety of persons in the jail, a notice of immediate full or partial closure may be issued by the board.

(4) Within thirty days after the date of receipt of a notice of noncompliance, a notice of conditional compliance, or a notice of full or partial closure, the appropriate governing unit may request a review thereof by the board which review shall be heard not more than forty-five days following such request unless such period is extended not more than another forty-five days by order of the board. All reviews conducted under this section shall be deemed to be "contested cases" within the meaning of chapter 34.04 RCW.

The board shall hear and decide the review, and the decision of the board may be appealed to the superior court as provided in chapter 34.04 RCW.

(5) If a notice of full or partial closure is issued and upheld, or if a notice of conditional compliance is issued and the conditions or restrictions are not complied with, or if a notice of noncompliance is issued and upheld and compliance is not satisfactorily accomplished within the time prescribed in the notice, the attorney general, upon request and on behalf of the board, shall apply to the superior court of the county in which the jail is located for an order of closure of all or part of the jail and the court shall have authority to issue such order of closure or prescribe other appropriate relief.

(6) In the event an order of closure is issued by the superior court, all confined persons in custody in the jail or portions thereof ordered closed shall be transferred, provided sufficient space is available, to a suitable, available jail, and the transferring governing unit shall pay for the costs of board, room, program, and administration of such transferred persons, pursuant to the rate for such costs established by the governing unit accepting such confined persons. If a transferring governing unit disputes the rates established by the governing unit accepting, the board shall set the rates. [1986 c 118 § 5; 1977 ex.s. c 316 § 8.]

**Severability**—1977 ex.s. c 316: See note following RCW 70.48.010.

**70.48.090 Interlocal contracts for jail services—Responsibility for operation of jail—Departments of corrections authorized.** (1) Contracts for jail services

may be made between a county and city located within the boundaries of a county, and among counties. The contracts shall: Be in writing, give one governing unit the responsibility for the operation of the jails, specify the responsibilities of each governing unit involved, and include the applicable charges for custody of the prisoners as well as the basis for adjustments in the charges. The contracts may be terminated only by ninety days written notice to the governing units involved and to the board. The notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.

(2) The contract authorized in subsection (1) of this section shall be for a minimum term of ten years when state funds are provided to construct or remodel a jail in one governing unit that will be used to house prisoners of other governing units. The contract may not be terminated prior to the end of the term without the board's approval. If the contract is terminated, or upon the expiration and nonrenewal of the contract, the governing unit whose jail facility was built or remodeled to hold the prisoners of other governing units shall pay to the state treasurer the amount set by the board when it authorized disbursement of state funds for the remodeling or construction under RCW 70.48.120. This amount shall be deposited in the local jail improvement and construction account and shall fairly represent the construction costs incurred in order to house prisoners from other governing units. The board may pay the funds to the governing units which had previously contracted for jail services under rules which the board may adopt. The acceptance of state funds for constructing or remodeling consolidated jail facilities constitutes agreement to the proportionate amounts set by the board. Notice of the proportionate amounts shall be given to all governing units involved.

(3) A city or county primarily responsible for the operation of a jail or jails may create a department of corrections to be in charge of such jail and of all persons confined therein by law, subject to the authority of the governing unit. If such department is created, it shall have charge of jails and persons confined therein. If no such department of corrections is created, the chief law enforcement officer of the city or county primarily responsible for the operation of said jail shall have charge of the jail and of all persons confined therein. A department of corrections or the chief law enforcement officer shall operate a jail in conformance with the rules and regulations adopted by the board and any rules, regulations, or ordinances adopted by the governing unit. [1986 c 118 § 6; 1979 ex.s. c 232 § 15; 1977 ex.s. c 316 § 9.]

**Severability**—1977 ex.s. c 316: See note following RCW 70.48.010.

**70.48.110 Costs of new construction or remodeling—Approval—Conditions—Board's duties—Payments.** Upon obtaining approval for the substantial remodeling or construction of a jail pursuant to RCW 70.48.060 and biennial appropriation of the legislature, a governing unit shall receive full funding from the state

for the costs of the necessary new construction or improvements to or remodeling of existing detention or correctional facilities necessary to comply with the standards established pursuant to this chapter. The board shall biennially establish for each application the level of costs necessary to comply with the physical plant standards and shall authorize payment by the state treasurer of the designated amount from the local jail improvement and construction account created in RCW 70.48.120 to the eligible governing unit in accordance with procedures established by the board. [1986 c 118 § 7; 1977 ex.s. c 316 § 11.]

**Severability**—1977 ex.s. c 316: See note following RCW 70.48.010.

**70.48.120 Local jail improvement and construction account.** There is hereby established in the state treasury a fund to be known as the local jail improvement and construction account in which shall be deposited such sums as are appropriated by law for the purpose of providing funds to units of local government for new construction and the substantial remodeling of detention and correctional facilities so as to obtain compliance with the physical plant standards for such facilities. Funds in the local jail improvement and construction account shall be invested in the same manner as other funds in other accounts within the state treasury, and such earnings shall accrue to the local jail improvement and construction account. Funds shall be remitted to the governing units in a reasonably timely fashion to meet their contractual obligations. Funds in this account shall be disbursed by the state treasurer to units of local government, subject to biennial legislative appropriation, at the direction of the board. [1986 c 118 § 8; 1981 c 276 § 2; 1977 ex.s. c 316 § 12.]

**Severability**—1977 ex.s. c 316: See note following RCW 70.48.010.

**70.48.130 Emergency or necessary health care for confined persons—Reimbursement procedures—Conditions—Limitations.** Payment for emergency or necessary health care shall be by the governing unit, except that the department of social and health services shall reimburse the governing unit for the cost thereof if the confined person requires treatment for which such person is eligible under the department of social and health services' public assistance medical program.

The governing unit may obtain reimbursement from the confined person for the cost of emergency and other health care to the extent that such person is reasonably able to pay for such care, including reimbursement from any insurance program or from other medical benefit programs available to such person. To the extent that a confined person is unable to be financially responsible for medical care and is ineligible for financial assistance from the department or from a private source, the governing unit may obtain reimbursement for the cost of such services from the unit of government whose law enforcement officers initiated the charges on which the person is being held in the jail: *Provided*, That reimbursement for the cost of such services shall be by the

state for state prisoners being held in a jail who are accused of either escaping from a state facility or of committing an offense in a state facility.

There shall be no right of reimbursement to the governing unit from units of government whose law enforcement officers initiated the charges for which a person is being held in the jail for care provided after the charges are disposed of by sentencing or otherwise, unless by intergovernmental agreement pursuant to chapter 39.34 RCW.

This section is not intended to limit or change any existing right of any party, governing unit, or unit of government against the person receiving the care for the cost of the care provided or paid for.

Under no circumstance shall necessary medical services be denied or delayed pending a determination of financial responsibility. [1986 c 118 § 9; 1977 ex.s. c 316 § 13.]

**Severability**—1977 ex.s. c 316: See note following RCW 70.48.010.

**70.48.150 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**70.48.160 Post-approval limitation on funding.** Having received approval pursuant to RCW 70.48.060, a governing unit shall not be eligible for further funding for physical plant standards for a period of ten years from the date of the completion of the approved project. A jail shall not be closed for noncompliance to physical plant standards within this same ten year period. This section does not apply if:

(1) The board or its successor elects to fund phased components of a jail project for which a governing unit has applied. In that instance, initially funded components do not constitute full funding within the meaning of RCW 70.48.060(1) and 70.48.070(2) and the board may fund subsequent phases of the jail project;

(2) There is destruction of the facility because of an act of God or the result of a negligent and/or criminal act. [1986 c 118 § 10; 1981 c 276 § 3; 1977 ex.s. c 316 § 16.]

**Severability**—1977 ex.s. c 316: See note following RCW 70.48.010.

**70.48.200 Planning jail facility capacity, funding.** (1) In determining the capacity of a planned jail facility for purposes of funding under this chapter, the board shall consider all relevant information, including data supplied to the board by the office of financial management with regard to the governing unit's population projections, current incarceration rates as applied to population projections by age group, and peaking factors not to exceed 1.29 standard deviations above the mean average daily population.

(2) The number of square feet allowed per bed shall generally be consistent for facilities of similar size and classification within either major urban, medium urban, or rural counties.

(3) Funds shall be allocated to governing units based on authorized beds and square feet as determined by the



board under this chapter and the rules adopted pursuant thereto.

(4) Total dollars allocated to a governing unit for new construction or renovation shall be the lesser of the amount specified in an accepted bid, the amount computed in subsection (3) of this section, or the budget request submitted to the board by the governing unit.

(5) If a governing unit determines the assumptions specified in subsection (1) of this section are to be exceeded, then the funding responsibility in excess of amount determined by the board will be that of the governing unit.

(6) The office of financial management shall assist governing units in obtaining whatever federal grants and aid might be available for jail construction and renovation. The amount of such grants or aid which might be obtained shall be deducted from the moneys which would otherwise be granted to the governing units from the funds from the sale of bonds authorized by RCW 70.48.260.

(7) Jails which are constructed and/or renovated with funds provided pursuant to this chapter shall not be considered state buildings for the purposes of RCW 43.17.200. [1986 c 118 § 11; 1979 ex.s. c 232 § 10.]

**70.48.260 General obligation bonds authorized for jail construction, improvement, and related costs.** For the purpose of providing funds for the planning, acquisition, construction, and improvement of jail buildings and necessary supporting facilities within the state, and the board's operational costs related to the review of physical plant funding applications, award of grants, and construction monitoring, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred six million dollars, or so much thereof as may be required, to finance the improvements defined in this chapter and all costs incidental thereto but not including acquisition or preparation of sites. These bonds shall be paid and discharged within thirty years. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold. [1986 c 118 § 12; 1980 c 143 § 1; 1979 ex.s. c 232 § 2.]

**70.48.280 Proceeds of bond sale—Deposits—Administration.** The proceeds from the sale of the bonds deposited in the local jail improvement and construction account of the general fund under the terms of this chapter shall be administered by the board subject to legislative appropriation. [1986 c 118 § 13; 1979 ex.s. c 232 § 4.]

**70.48.330 Jails to meet board standards—Exception.** All cities or counties which accept funding for jail remodeling or new construction under this chapter shall certify to the board that the facility to be built shall, upon opening, meet all mandatory custodial care standards adopted by the board under RCW 70.48.050. The board shall not make funding under this chapter contingent on compliance of the existing jail facility with

standards adopted under RCW 70.48.050. [1986 c 118 § 14; 1981 c 276 § 5.]

### Chapter 70.48A

## JAIL IMPROVEMENT AND CONSTRUCTION— BOND ISSUE

#### Sections

70.48A.020 Bond issue authorized—Appropriations.  
70.48A.040 Proceeds from bond sale—Administration.

**70.48A.020 Bond issue authorized—Appropriations.** For the purpose of providing funds for the planning, acquisition, construction, and improvement of jail buildings and necessary supporting facilities within the state, and the corrections standards board's operational costs related to the review of physical plant funding applications, award of grants, and construction monitoring, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred forty-four million three hundred thousand dollars, or so much thereof as may be required, to finance the improvements defined in RCW 70.48A.010 through 70.48A.080 and all costs incidental thereto, including administration, but not including acquisition or preparation of sites. Appropriations for administration shall be determined by the legislature. No bonds authorized by this section may be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold: *Provided*, That the reappropriation of previously authorized bond moneys and this new appropriation shall constitute full funding of each approved project within the meaning of RCW 70.48.070 and 70.48.110. [1986 c 118 § 16; 1983 1st ex.s. c 63 § 1; 1981 c 131 § 2.]

**70.48A.040 Proceeds from bond sale—Administration.** The proceeds from the sale of the bonds deposited in the local jail improvement and construction account in the general fund under the terms of RCW 70.48A.010 through 70.48A.080 shall be administered by the corrections standards board subject to legislative appropriation. [1986 c 118 § 17; 1981 c 131 § 4.]

### Chapter 70.54

## MISCELLANEOUS HEALTH AND SAFETY PROVISIONS

#### Sections

70.54.150 Physicians not subject to disciplinary action for prescribing or administering laetrile—Conditions.  
70.54.190 DMSO (dimethyl sulfoxide)—Use—Liability.

**70.54.150 Physicians not subject to disciplinary action for prescribing or administering laetrile—Conditions.** No physician may be subject to disciplinary action by any entity of either the state of Washington or a professional association for prescribing or administering amygdalin (Laetrile) to a patient under his/her care who has requested the substance after having been given

sufficient information in writing to make an informed decision.

It is not the intent of this section to shield a physician from acts or omissions which otherwise would constitute unprofessional conduct. [1986 c 259 § 150; 1977 ex.s. c 122 § 3.]

**Severability**—1986 c 259: See note following RCW 18.130.010.

**70.54.190 DMSO (dimethyl sulfoxide)—Use—Liability.** No hospital or health facility may interfere with the physician/patient relationship by restricting or forbidding the use of DMSO (dimethyl sulfoxide) when prescribed or administered by a physician licensed pursuant to chapter 18.57 or 18.71 RCW and requested by a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

No physician may be subject to disciplinary action by any entity of either the state of Washington or a professional association for prescribing or administering DMSO (dimethyl sulfoxide) to a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

It is not the intent of this section to shield a physician from acts or omissions which otherwise would constitute unprofessional conduct. [1986 c 259 § 151; 1981 c 50 § 2.]

**Severability**—1986 c 259: See note following RCW 18.130.010.  
*DMSO authorized: RCW 69.04.565.*

## Chapter 70.62

### TRANSIENT ACCOMMODATIONS— LICENSING—INSPECTIONS

#### Sections

70.62.290 Fire and safety rules and regulations—Duties of director of community development.

**70.62.290 Fire and safety rules and regulations—Duties of director of community development.** Rules and regulations establishing fire and life safety requirements, not inconsistent with the provisions of this chapter, shall continue to be promulgated and enforced by the director of community development, through the director of fire protection. [1986 c 266 § 95; 1971 ex.s. c 239 § 11.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

## Chapter 70.75

### FIRE FIGHTING EQUIPMENT— STANDARDIZATION

#### Sections

70.75.020 Duties of director of community development.  
70.75.030 Duties of director of community development—Notification of industrial establishments and property owners having equipment.  
70.75.040 Sale of nonstandard equipment as misdemeanor—Exceptions.

**70.75.020 Duties of director of community development.** The standardization of existing fire protection equipment in this state shall be arranged for and carried out by or under the direction of the director of community development, through the director of fire protection. He or she shall provide the appliances necessary for carrying on this work, shall proceed with such standardization as rapidly as possible, and shall require the completion of such work within a period of five years from June 8, 1967: *Provided*, That the director of community development, through the director of fire protection, may exempt special purpose fire equipment and existing fire protection equipment from standardization when it is established that such equipment is not essential to the coordination of public fire protection operations. [1986 c 266 § 96; 1967 c 152 § 2.]

**Severability**—1986 c 266: See note following RCW 38.52.005.  
*State fire protection: Chapter 48.48 RCW.*

**70.75.030 Duties of director of community development—Notification of industrial establishments and property owners having equipment.** The director of community development, through the director of fire protection, shall notify industrial establishments and property owners having equipment, which may be necessary for fire department use in protecting the property or putting out fire, of any changes necessary to bring their equipment up to the requirements of the standard established by RCW 70.75.020, and shall render such assistance as may be available for converting substandard equipment to meet standard specifications and requirements. [1986 c 266 § 97; 1967 c 152 § 3.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**70.75.040 Sale of nonstandard equipment as misdemeanor—Exceptions.** Any person who, without approval of the director of community development, through the director of fire protection, sells or offers for sale in Washington any fire hose, fire engine or other equipment for fire protection purposes which is fitted or equipped with other than the standard thread is guilty of a misdemeanor: *Provided*, That fire equipment for special purposes, research, programs, forest fire fighting, or special features of fire protection equipment found appropriate for uniformity within a particular protection area may be specifically exempted from this requirement by order of the director of community development, through the director of fire protection. [1986 c 266 § 98; 1967 c 152 § 4.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

## Chapter 70.77

### STATE FIREWORKS LAW

#### Sections

70.77.170 Definitions—"License."  
70.77.250 Director of community development to enforce and administer—Powers and duties.  
70.77.305 Director of community development to issue licenses—Registration of in-state agents.

- 70.77.315 Application for license.
- 70.77.325 Annual application for a license—Dates.
- 70.77.330 License to engage in particular act to be issued if not contrary to public safety or welfare—Transportation of fireworks authorized.
- 70.77.355 General license for public display—Surety bond or insurance—Filing of license certificate with local permit application.
- 70.77.360 Denial of license for material misrepresentation or if contrary to public safety or welfare.
- 70.77.365 Denial of license for failure to meet qualifications or conditions.
- 70.77.375 Mandatory revocation of license.
- 70.77.415 Supervision of public displays.
- 70.77.430 Sale of stock after revocation or expiration of license.
- 70.77.435 Seizure of fireworks.
- 70.77.440 Seizure of fireworks—Petition for return—Hearing—Decision—Judicial action for recovery—Sale of confiscated fireworks.
- 70.77.450 Examination, inspection of books and premises.
- 70.77.455 Licensees to maintain and make available complete records.
- 70.77.460 Reports, payments deemed made when filed or paid or date mailed.
- 70.77.465 Additional and supplemental reports.
- 70.77.575 Director of community development to provide list of fireworks which may be sold to public.
- 70.77.580 Retailers to post list of fireworks.

**70.77.170 Definitions—“License.”** “License” means a nontransferable formal authorization which the director of community development and the director of fire protection are permitted to issue under this chapter to engage in the act specifically designated therein. [1986 c 266 § 99; 1982 c 230 § 7; 1961 c 228 § 11.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**70.77.250 Director of community development to enforce and administer—Powers and duties.** (1) The director of community development, through the director of fire protection, shall enforce and administer this chapter.

(2) The director of community development, through the director of fire protection, shall appoint such deputies and employees as may be necessary and required to carry out the provisions of this chapter.

(3) The director of community development, through the director of fire protection, may prescribe such rules relating to fireworks as may be necessary for the protection of life and property and for the implementation of this chapter.

(4) The director of community development, through the director of fire protection, shall prescribe such rules as may be necessary to ensure state-wide minimum standards for the enforcement of this chapter. Counties, cities, and towns shall comply with such state rules. Any local rules adopted by local authorities that are more restrictive than state law as to the types of fireworks that may be sold shall have an effective date no sooner than one year after their adoption.

(5) The director of community development, through the director of fire protection, may exercise the necessary police powers to enforce the criminal provisions of this chapter. This grant of police powers does not prevent any other state agency or local government agency

having general law enforcement powers from enforcing this chapter within the jurisdiction of the agency or local government. [1986 c 266 § 100; 1984 c 249 § 7; 1982 c 230 § 12; 1961 c 228 § 27.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**70.77.305 Director of community development to issue licenses—Registration of in-state agents.** The director of community development, through the director of fire protection, has the power to issue licenses for the manufacture, importation, sale, and use of all fireworks in this state. A person may be licensed as a manufacturer, importer, or wholesaler under this chapter only if the person has a designated agent in this state who is registered with the director of community development, through the director of fire protection. [1986 c 266 § 101; 1984 c 249 § 18; 1982 c 230 § 18; 1961 c 228 § 38.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**70.77.315 Application for license.** Any person who desires to engage in the manufacture, importation, sale, or use of fireworks shall make a written application to the director of community development, through the director of fire protection, on forms provided by him or her. Such application shall be accompanied by the annual license fee as prescribed in this chapter. [1986 c 266 § 102; 1982 c 230 § 20; 1961 c 228 § 40.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**70.77.325 Annual application for a license—Dates.** (1) Application for a license shall be made annually by every person holding an existing license who wishes to continue the activity requiring the license. The application shall be accompanied by the annual license fee as prescribed in RCW 70.77.340.

(2) A person applying for an annual license as a retailer under this chapter shall file an application by June 10 of the current year. The director of community development, through the director of fire protection, shall grant or deny the license within fifteen days of receipt of the application.

(3) A person applying for an annual license as a manufacturer, importer, or wholesaler under this chapter shall file an application by January 31 of the current year. The director of community development, through the director of fire protection, shall grant or deny the license within ninety days of receipt of the application. [1986 c 266 § 103; 1984 c 249 § 20; 1982 c 230 § 21; 1961 c 228 § 42.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**70.77.330 License to engage in particular act to be issued if not contrary to public safety or welfare—Transportation of fireworks authorized.** If the director of community development, through the director of fire protection, finds that the granting of such license would not be contrary to public safety or welfare, he or she shall issue a license authorizing the applicant to engage

in the particular act or acts upon the payment of the license fee specified in this chapter. Licensees may transport the class of fireworks for which they hold a valid license. [1986 c 266 § 104; 1982 c 230 § 22; 1961 c 228 § 43.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**70.77.355 General license for public display—Surety bond or insurance—Filing of license certificate with local permit application.** (1) Any adult person may secure a general license from the director of community development, through the director of fire protection, for the public display of fireworks within the state of Washington. A general license is subject to the provisions of this chapter relative to the securing of local permits for the public display of fireworks in any city, county, or fire protection district, except that in lieu of filing the bond or certificate of public liability insurance with the appropriate local official under RCW 70.77.260 as required in RCW 70.77.285, the same bond or certificate shall be filed with the director of community development, through the director of fire protection. The bond or certificate of insurance for a general license in addition shall provide that: (a) The insurer will not cancel the insured's coverage without fifteen days prior written notice to the director of community development, through the director of fire protection; (b) the duly licensed pyrotechnic operator required by law to supervise and discharge the public display, acting either as an employee of the insured or as an independent contractor and the state of Washington, its officers, agents, employees, and servants are included as additional insureds, but only insofar as any operations under contract are concerned; and (c) the state is not responsible for any premium or assessments on the policy.

(2) The director of community development, through the director of fire protection, may issue such general licenses. The holder of a general license shall file a certificate from the director of community development, through the director of fire protection, evidencing the license with any application for a local permit for the public display of fireworks under RCW 70.77.260. [1986 c 266 § 105; 1984 c 249 § 21; 1982 c 230 § 26; 1961 c 228 § 48.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**70.77.360 Denial of license for material misrepresentation or if contrary to public safety or welfare.** If the director of community development, through the director of fire protection, finds that an application for any license under this chapter contains a material misrepresentation or that the granting of any license would be contrary to the public safety or welfare, the director of community development, through the director of fire protection, may deny the application for the license. [1986 c 266 § 106; 1984 c 249 § 22; 1982 c 230 § 27; 1961 c 228 § 49.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**70.77.365 Denial of license for failure to meet qualifications or conditions.** A written report by the director of community development, through the director of fire protection, or a local fire official, or any of their authorized representatives, disclosing that the applicant for a license, or the premises for which a license is to apply, do not meet the qualifications or conditions for a license constitutes grounds for the denial by the director of community development, through the director of fire protection, of any application for a license. [1986 c 266 § 107; 1984 c 249 § 23; 1982 c 230 § 28; 1961 c 228 § 50.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**70.77.375 Mandatory revocation of license.** The director of community development, through the director of fire protection, upon reasonable opportunity to be heard, shall revoke any license issued pursuant to this chapter, if he or she finds that:

(1) The licensee has violated any provisions of this chapter or any rule or regulations made by the director of community development, through the director of fire protection, under and with the authority of this chapter;

(2) The licensee has created or caused a fire nuisance;

(3) Any licensee has failed or refused to file any required reports; or

(4) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the director of community development, through the director of fire protection, in refusing originally to issue such license. [1986 c 266 § 108; 1982 c 230 § 30; 1961 c 228 § 52.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**70.77.415 Supervision of public displays.** Every public display of fireworks shall be handled or supervised by a pyrotechnic operator licensed by the director of community development, through the director of fire protection, under RCW 70.77.255. [1986 c 266 § 109; 1984 c 249 § 25; 1982 c 230 § 33; 1961 c 228 § 60.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**70.77.430 Sale of stock after revocation or expiration of license.** Notwithstanding RCW 70.77.255, following the revocation or expiration of a license, a licensee in lawful possession of a lawfully acquired stock of fireworks may sell such fireworks, but only under supervision of the director of community development, through the director of fire protection. Any sale under this section shall be solely to persons who are authorized to buy, possess, sell, or use such fireworks. [1986 c 266 § 110; 1984 c 249 § 28; 1982 c 230 § 36; 1961 c 228 § 63.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**70.77.435 Seizure of fireworks.** Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this chapter or the rules or regulations of the director of community development, through the director of fire

protection, shall be subject to seizure by the director of community development, through the director of fire protection, or his or her deputy. Any fireworks seized under this section may be disposed of by the director of community development, through the director of fire protection, by summary destruction at any time subsequent to thirty days from such seizure or ten days from the final termination of proceedings under the provisions of RCW 70.77.440, whichever is later. [1986 c 266 § 111; 1982 c 230 § 37; 1961 c 228 § 64.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**70.77.440 Seizure of fireworks—Petition for return—Hearing—Decision—Judicial action for recovery—Sale of confiscated fireworks.** (1) Any person whose fireworks are seized under the provisions of RCW 70.77.435 may within ten days after such seizure petition the director of community development, through the director of fire protection, to return the fireworks seized upon the ground that such fireworks were illegally or erroneously seized. Any petition filed hereunder shall be considered by the director of community development, through the director of fire protection, within fifteen days after filing and an oral hearing granted the petitioner, if requested. Notice of the decision of the director of community development, through the director of fire protection, shall be served upon the petitioner. The director of community development, through the director of fire protection, may order the fireworks seized under this chapter disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the director of community development, through the director of fire protection, is final unless within sixty days an action is commenced in a court of competent jurisdiction in the state of Washington for the recovery of the fireworks seized by the director of community development, through the director of fire protection.

(2) If the fireworks are not returned to the petitioner or destroyed pursuant to RCW 70.77.435, the director of community development, through the director of fire protection, may sell confiscated common fireworks and special fireworks that are legal for use and possession under this chapter to wholesalers licensed by the director of community development, through the director of fire protection. Sale shall be by public auction after publishing a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the auction is to be held, at least three days before the date of the auction. The proceeds of the sale of the seized fireworks under this section shall be deposited in the general fund. Fireworks that are not legal for use and possession in this state shall be destroyed by the director of community development, through the director of fire protection. [1986 c 266 § 112; 1984 c 249 § 29; 1961 c 228 § 65.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**70.77.450 Examination, inspection of books and premises.** The director of community development,

through the director of fire protection, may make an examination of the books and records of any licensee, or other person relative to fireworks, and may visit and inspect the premises of any licensee he may deem at any time necessary for the purpose of enforcing the provisions of this chapter. The licensee, owner, lessee, manager, or operator of any such building or premises shall permit the director of community development, through the director of fire protection, his or her deputies, his or her salaried assistants and the chief of any city or county fire department or fire protection district and their authorized representatives to enter and inspect the premises at the time and for the purpose stated in this section. [1986 c 266 § 113; 1961 c 228 § 67.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**70.77.455 Licensees to maintain and make available complete records.** All licensees shall maintain and make available to the director of community development, through the director of fire protection, full and complete records showing all production, imports, exports, purchases, sales, and consumption of fireworks items by kind and class. [1986 c 266 § 114; 1982 c 230 § 38; 1961 c 228 § 68.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**70.77.460 Reports, payments deemed made when filed or paid or date mailed.** When reports on fireworks transactions or the payments of license fees or penalties are required to be made on or by specified dates, they shall be deemed to have been made at the time they are filed with or paid to the director of community development, through the director of fire protection, or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment. [1986 c 266 § 115; 1961 c 228 § 69.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**70.77.465 Additional and supplemental reports.** In addition to any other reports required under this chapter, the director of community development, through the director of fire protection, may, by rule or otherwise, require additional, other, or supplemental reports from licensees and other persons and prescribe the form, including verification, of the information to be given when filing such additional, other or supplemental reports. [1986 c 266 § 116; 1961 c 228 § 70.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

**70.77.575 Director of community development to provide list of fireworks which may be sold to public.** (1) The director of community development, through the director of fire protection, shall adopt by rule a list of the fireworks that may be sold to the public in this state pursuant to this chapter. The director of community development, through the director of fire protection, shall file the list by October 1st of each year with the code reviser for publication, unless the previously published list has remained current.

(2) The director of community development, through the director of fire protection, shall provide the list adopted under subsection (1) of this section by November 1st of each year to all manufacturers, wholesalers, and importers licensed under this chapter, unless the previously distributed list has remained current. [1986 c 266 § 117; 1984 c 249 § 8.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**70.77.580 Retailers to post list of fireworks.** Retailers required to be licensed under this chapter shall post prominently at each retail outlet a list of the fireworks that may be sold to the public in this state pursuant to this chapter. The posted list shall be in a form approved by the director of community development, through the director of fire protection. The director of community development, through the director of fire protection, shall make available the list. [1986 c 266 § 118; 1984 c 249 § 9.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

## Chapter 70.79

### BOILERS AND UNFIRED PRESSURE VESSELS

#### Sections

70.79.080	Exemptions from chapter.
70.79.320	Operating without inspection certificate prohibited—Penalty.

**70.79.080 Exemptions from chapter.** This chapter shall not apply to the following boilers, unfired pressure vessels and domestic hot water tanks:

(1) Boilers and unfired pressure vessels under federal regulation or operated by any railroad subject to the provisions of the interstate commerce act;

(2) Unfired pressure vessels meeting the requirements of the interstate commerce commission for shipment of liquids or gases under pressure;

(3) Air tanks located on vehicles operating under the rules of other state authorities and used for carrying passengers, or freight;

(4) Air tanks installed on the right of way of railroads and used directly in the operation of trains;

(5) Unfired pressure vessels having a volume of five cubic feet or less when not located in places of public assembly;

(6) Unfired pressure vessels designed for a pressure not exceeding fifteen pounds per square inch gauge when not located in place of public assembly;

(7) Tanks used in connection with heating water for domestic and/or residential purposes;

(8) Boilers and unfired pressure vessels in cities having ordinances which are enforced and which have requirements equal to or higher than those provided for under this chapter, covering the installation, operation, maintenance and inspection of boilers and unfired pressure vessels;

(9) Tanks containing water with no air cushion and no direct source of energy that operate at ambient temperature. [1986 c 97 § 1; 1951 c 32 § 8.]

[1986 RCW Supp—page 540]

**70.79.320 Operating without inspection certificate prohibited—Penalty.** (1) It shall be unlawful for any person, firm, partnership, or corporation to operate under pressure in this state a boiler or unfired pressure vessel, to which this chapter applies, without a valid inspection certificate as provided for in this chapter.

(2) The department may assess a penalty against a person violating a provision of this chapter. The penalty shall be not more than five hundred dollars. Each day that the violation continues is a separate violation and is subject to a separate penalty.

(3) The department may not assess a penalty until it adopts rules describing the method it will use to calculate penalties for various violations.

(4) The department shall notify the violator of its action, and the reasons for its action, in writing. The department shall send the notice by certified mail to the violator that a hearing may be requested under RCW 70.79.360. The hearing shall not stay the effect of the penalty. [1986 c 97 § 2; 1951 c 32 § 31.]

## Chapter 70.90

### WATER RECREATION FACILITIES

(Formerly: Swimming pools)

#### Sections

70.90.100	Legislative findings.
70.90.110	Definitions.
70.90.120	Adoption of rules.
70.90.130	Recreational water contact facility advisory committee—Established—Powers and duties. (Expires June 30, 1991.)
70.90.140	Enforcement.
70.90.150	Fees.
70.90.160	Modification or construction of facility—Permit required—Submission of plans.
70.90.170	Operating permit—Renewal.
70.90.180	State and local health jurisdictions—Chapter not basis for liability.
70.90.190	Reporting of injury, disease, or death.
70.90.200	Civil penalties.
70.90.210	Hearing—Notice.
70.90.220	Local health ordinances not affected.
70.90.230	Insurance required.
70.90.902	Termination of recreational water contact facility advisory committee.
70.90.910	Severability—1986 c 236.

**70.90.100 Legislative findings.** The legislature recognizes that recreational water contact activities are becoming increasingly popular. Recreational water contact facilities are expanding in number and in the variety of equipment and activities offered. The legislature, to protect the public health, safety, and welfare and promote the safe use of recreational water contact facilities finds it necessary to regulate these facilities. [1986 c 236 § 1.]

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

(1) "Recreational water contact facility" means an artificial water contact facility with design and operational features that provide patron recreational activity

which is different from that associated with a conventional swimming pool and purposefully involves immersion of the body partially or totally in the water, including but not limited to, water slides, wave pools, and water amusement lagoons which bring water in contact with patrons.

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

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

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

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

(6) "Board" means the state board of health. [1986 c 236 § 2.]

**70.90.120 Adoption of rules.** (1) The board shall adopt rules under the administrative procedure act, chapter 34.04 RCW, setting safety, sanitation, and water quality standards for recreational water contact facilities. The rules shall include but not be limited to requirements for design; operation; injury and illness reports; biological and chemical contamination standards; water quality monitoring; inspection; permit application and issuance; fees sufficient to cover the costs incurred by the department for the administration and enforcement of this chapter; and enforcement procedures.

(2) In adopting rules under subsection (1) of this section regarding the operation or design of a recreational water contact facility, the board shall review and consider any recommendations made by the recreational water contact facility advisory committee. [1986 c 236 § 3.]

**70.90.130 Recreational water contact facility advisory committee—Established—Powers and duties. (Expires June 30, 1991.)** (1) A recreational water contact facility advisory committee is established and shall be appointed by the board which shall consist of the following members:

- (a) A representative of the board of health;
- (b) A private operator of a recreational water contact facility;
- (c) A public operator of a recreational water contact facility;
- (d) A representative from the department of social and health services;
- (e) A representative of the county health departments;
- (f) A representative from those who engage in the construction or design of recreational water contact facilities; and
- (g) A representative from those who engage in the manufacturing or design of goods or services for recreational water contact facilities.

(2) The advisory committee shall have the following powers and duties:

(a) To assist in reviewing and drafting proposed rules regarding the design or operation of any recreational

water contact facility which recommendations shall be transmitted to the board;

(b) To provide technical assistance regarding the review of new products, equipment and procedures, and periodic program review; and

(c) To provide recommendations upon request in the settlement of grievances.

(3) The committee may appoint subcommittees as it deems necessary. [1986 c 236 § 4.]

**Expiration date—1986 c 236 § 4: See RCW 70.90.902.**

**70.90.140 Enforcement.** The secretary shall enforce the rules adopted under this chapter. The secretary may develop joint plans of responsibility with any local health jurisdiction to administer this chapter. [1986 c 236 § 5.]

**70.90.150 Fees.** (1) Local health officers may establish and collect fees sufficient to cover their costs incurred in carrying out their duties under this chapter and the rules adopted under this chapter.

(2) The department may establish and collect fees sufficient to cover its costs incurred in carrying out its duties under this chapter. The fees shall be deposited in the state general fund.

(3) A person shall not be required to submit fees at both the state and local levels. [1986 c 236 § 6.]

**70.90.160 Modification or construction of facility—Permit required—Submission of plans.** A permit is required for any modification to or construction of any recreational water contact facility after June 11, 1986. The plans and specifications for the modification or construction shall be submitted to the applicable local authority or the department as applicable, but a person shall not be required to submit plans at both the state and local levels or apply for both a state and local permit. The plans shall be reviewed and may be approved or rejected or modifications or conditions imposed consistent with this chapter as the public health or safety may require, and a permit shall be issued or denied. [1986 c 236 § 7.]

**70.90.170 Operating permit—Renewal.** An operating permit from the department or local health officer, as applicable, is required for each recreational water contact facility operated in this state. The permit shall be renewed annually. The permit shall be conspicuously displayed at the recreational water contact facility. [1986 c 236 § 8.]

**70.90.180 State and local health jurisdictions—Chapter not basis for liability.** Nothing in this chapter or the rules adopted under this chapter creates or forms the basis for any liability: (1) On the part of the state and local health jurisdictions, or their officers, employees, or agents, for any injury or damage resulting from the failure of the owner or operator of recreational water contact facilities to comply with this chapter or the rules adopted under this chapter; or (2) by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter or the

rules adopted under this chapter on the part of the state and local health jurisdictions, or by their officers, employees, or agents.

All actions of local health officers and the secretary shall be deemed an exercise of the state's police power. [1986 c 236 § 9.]

**70.90.190 Reporting of injury, disease, or death.** Any person operating a recreational water contact facility shall report to the local health officer or the department any serious injury, communicable disease, or death occurring at or caused by the recreational water contact facility. [1986 c 236 § 10.]

**70.90.200 Civil penalties.** County, city, or town legislative authorities and the secretary, as applicable, may establish civil penalties for a violation of this chapter or the rules adopted under this chapter not to exceed five hundred dollars. Each day upon which a violation occurs constitutes a separate violation. A person violating this chapter may be enjoined from continuing the violation. [1986 c 236 § 11.]

**70.90.210 Hearing—Notice.** (1) Any person aggrieved by an order or action of the department may request a hearing under the administrative procedure act, chapter 34.04 RCW. Notice shall be provided by the department as required under chapter 34.04 RCW for contested cases.

(2) Any person aggrieved by an order or action of a local health officer may request a hearing which shall be held consistent with the local health jurisdiction's administrative appeals process. Notice shall be provided by the local health jurisdiction consistent with its due process requirements. [1986 c 236 § 12.]

**70.90.220 Local health ordinances not affected.** The provisions of this chapter shall not affect local health ordinances existing as of June 11, 1986, which regulate water contact facilities. [1986 c 236 § 13.]

**70.90.230 Insurance required.** (1) A recreational water contact facility shall not be operated within the state unless the owner or operator has purchased insurance in an amount not less than one hundred thousand dollars against liability for bodily injury to or death of one or more persons in any one accident arising out of the use of the recreational water contact facility.

(2) The board may require a recreational water contact facility to purchase insurance in addition to the amount required in subsection (1) of this section. [1986 c 236 § 14.]

**70.90.902 Termination of recreational water contact facility advisory committee.** The recreational water contact facility advisory committee shall be reviewed under the process provided in chapter 43.131 RCW before December 1, 1989. Unless extended by law, the committee shall be terminated on June 30, 1990, and RCW 70.90.130 shall expire June 30, 1991. [1986 c 236 § 15.]

**70.90.910 Severability—1986 c 236.** 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. [1986 c 236 § 17.]

#### Chapter 70.94

### WASHINGTON CLEAN AIR ACT

#### Sections

70.94.760 Limited outdoor burning—Construction.

**70.94.760 Limited outdoor burning—Construction.** Nothing contained in RCW 70.94.740 through 70.94.765 is intended to alter or change the provisions of RCW 70.94.660, 70.94.710 through 70.94.730, and 76.04.205. [1986 c 100 § 55; 1972 ex.s. c 136 § 5.]

#### Chapter 70.95

### SOLID WASTE MANAGEMENT—RECOVERY AND RECYCLING

#### Sections

70.95.075 Implementation of standards—Assessment—Analyses—Proposals.

70.95.255 Disposal of municipal sewage sludge or septic tank sludge prohibited—Exemptions—Uses of sludge material permitted.

**70.95.075 Implementation of standards—Assessment—Analyses—Proposals.** In order to implement the minimum functional standards for solid waste handling, evaluate the effectiveness of the minimum functional standards, evaluate the cost of implementation, and develop a mechanism to finance the implementation, the department shall prepare:

(1) An assessment of local health agencies' information on all existing permitted landfill sites, including (a) measures taken and facilities installed at each landfill to mitigate surface water and ground water contamination, (b) proposed measures taken and facilities to be constructed at each landfill to mitigate surface water and ground water contamination, and (c) the costs of such measures and facilities;

(2) An analysis of the effectiveness of the minimum functional standards for new landfills in lessening surface water and ground water contamination, and a comparison with the effectiveness of the prior standards;

(3) An analysis of the costs of conforming with the new functional standards for new landfills compared with the costs of conforming to the prior standards; and

(4) Proposals for methods of financing the costs of conforming with the new functional standards. [1986 c 81 § 1.]

**70.95.255 Disposal of municipal sewage sludge or septic tank sludge prohibited—Exemptions—Uses of sludge material permitted.** After January 1, 1988, the department of ecology may prohibit disposal of municipal sewage sludge or septic tank sludge (septage) in



landfills for final disposal, except on a temporary, emergency basis, if the jurisdictional health department determines that a potentially unhealthful circumstance exists. Beneficial uses of sludge in landfill reclamation is acceptable utilization and not considered disposal.

The department of ecology shall adopt rules that provide exemptions from this section on a case-by-case basis. Exemptions shall be based on the economic infeasibility of using or disposing of the sludge material other than in a landfill.

The department of ecology, after consulting with representatives from cities, counties, special purpose districts, and operators of septic tank pump-out services, shall adopt rules for the environmentally safe use of municipal sewage sludge and septage in this state.

The department of ecology, after consulting with representatives from the pulp and paper industry and the food processing industry, may adopt rules for the environmentally safe use of appropriate industrial sludges, such as pulp and paper sludges or food processing wastes, used to improve the texture or nutrient content of soils.

The department of ecology, in conjunction with the department of social and health services and the department of agriculture, shall adopt rules establishing labeling and notification requirements for sludge material sold commercially or given away to the public. The department shall specify mandatory wording for labels and notification to warn the public against improper use of the material. [1986 c 297 § 1.]

## Chapter 70.98

### NUCLEAR ENERGY AND RADIATION

#### Sections

70.98.085 Suspension and reinstatement of site use permits—  
Surveillance fee.

70.98.095 Immunity of state—Demonstration of liability coverage—Suspension of license or permit.

*Radioactive and hazardous waste emergency response programs, state coordinator: RCW 38.52.030.*

**70.98.085 Suspension and reinstatement of site use permits—Surveillance fee.** (1) The agency is empowered to suspend and reinstate site use permits consistent with current regulatory practices and in coordination with the department of ecology, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility.

(2) The agency shall collect a surveillance fee as an added charge on each cubic foot of low level radioactive waste disposed of at the disposal site in this state which shall be set at a level that is sufficient to fund completely the radiation control activities of the agency which are not otherwise covered by cost recovery programs including, but not limited to, any funds from federal sources: *Provided*, That the surveillance fee shall not exceed four percent of the basic minimum fee charged by an operator of a low-level radioactive waste disposal site in this state. The basic minimum fee consists of the

disposal fee for the site operator, the fee for the perpetual care and maintenance fund administered by the state, the fee for the state closure fund, and the tax collected pursuant to chapter 82.04 RCW. Site use permit fees and surcharges collected under chapter 43.200 RCW are not part of the basic minimum fee. The fee shall also provide funds for other state agencies that incur expenses as a result of the control and management of the disposal of low-level radioactive waste in the state of Washington. Disbursements for these purposes to other state agencies shall be by authorization of the secretary of the department of social and health services or the secretary's designee.

The agency may adopt such rules as are necessary to carry out its responsibilities under this section. [1986 c 2 § 2; 1985 c 383 § 3.]

*Issuance of site use permits: RCW 43.200.080.*

**70.98.095 Immunity of state—Demonstration of liability coverage—Suspension of license or permit.** (1) The radiation control agency shall require that any person who holds or applies for a license or permit under this chapter (a) indemnify and hold harmless the state from claims, suits, damages, or expenses on account of injuries to or death of persons and property, arising or growing out of any operations or activities for which the person holds the license or permit, and any necessary or incidental operations, and (b) demonstrate that the person has and maintains liability coverage for the operations for which the state has been indemnified and held harmless pursuant to this section. The agency shall require coverage in an amount determined by the director of the department of ecology pursuant to RCW 43.200.200.

(2) The radiation control agency shall suspend the license or permit of any person required by this section to hold and maintain liability coverage who fails to demonstrate compliance with this section. The license or permit shall not be reinstated until the person demonstrates compliance with this section.

(3) The radiation control agency shall require (a) that any person required to maintain liability coverage maintain with the agency current copies of any insurance policies, certificates of insurance, or any other documents used to comply with this section, (b) that the agency be notified of any changes in the insurance coverage or financial condition of the person, and (c) that the state be named as an insured party on any insurance policy used to comply with this section. [1986 c 191 § 3.]

**Construction—Severability—1986 c 191:** See RCW 43.200.905 and 43.200.906.

## Chapter 70.105

### HAZARDOUS WASTE MANAGEMENT

#### Sections

70.105.020 Standards and regulations—Adoption—Notice and hearing—Consultation with other agencies.

70.105.135 Copies of notification forms or annual reports to officials responsible for fire protection.

- 70.105.215 Department to adopt rules for permits for hazardous substances treatment facilities.
- 70.105.220 Local governments to prepare local hazardous waste plans—Basis—Elements required.
- 70.105.235 Grants to local governments for plan preparation, implementation, and designation of zones—Matching funds—Qualifications.

*Radioactive and hazardous waste emergency response programs, state coordinator: RCW 38.52.030.*

**70.105.020 Standards and regulations—Adoption—Notice and hearing—Consultation with other agencies.** The department after notice and public hearing shall:

(1) Adopt regulations designating as extremely hazardous wastes subject to the provisions of this chapter those substances which exhibit characteristics consistent with the definition provided in RCW 70.105.010(6);

(2) Adopt and may revise when appropriate, minimum standards and regulations for disposal of extremely hazardous wastes to protect against hazards to the public, and to the environment. Before adoption of such standards and regulations, the department shall consult with appropriate agencies of interested local governments and secure technical assistance from the department of agriculture, the department of social and health services, the department of game, the department of natural resources, the department of fisheries, the department of labor and industries, and the department of community development, through the director of fire protection. [1986 c 266 § 119; 1975-'76 2nd ex.s. c 101 § 2.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**70.105.135 Copies of notification forms or annual reports to officials responsible for fire protection.** Any person who generates, treats, stores, disposes, or otherwise handles dangerous or extremely hazardous wastes shall provide copies of any notification forms, or annual reports that are required pursuant to RCW 70.105.130 to the fire departments or fire districts that service the areas in which the wastes are handled upon the request of the fire departments or fire districts. In areas that are not serviced by a fire department or fire district, the forms or reports shall be provided to the sheriff or other county official designated pursuant to RCW 48.48.060 upon the request of the sheriff or other county official. This section shall not apply to the transportation of hazardous wastes. [1986 c 82 § 1.]

**70.105.215 Department to adopt rules for permits for hazardous substances treatment facilities.** The legislature recognizes the need for new, modified, or expanded facilities to treat, incinerate, or otherwise process or dispose of hazardous substances safely. In order to encourage the development of such facilities, the department shall adopt rules as necessary regarding the permitting of such facilities to ensure the most expeditious permit processing possible consistent with the substantive requirements of applicable law. If owners and operators are not the same entity, the operator shall be the

permit applicant and responsible for the development of the permit application and all accompanying materials, as long as the owner also signs the application and certifies its ownership of the real property described in the application, and acknowledges its awareness of the contents of the application and receipt of a copy thereof. [1986 c 210 § 3.]

**70.105.220 Local governments to prepare local hazardous waste plans—Basis—Elements required.** (1) Each local government, or combination of contiguous local governments, is directed to prepare a local hazardous waste plan which shall be based on state guidelines and include the following elements:

(a) A plan or program to manage moderate-risk wastes that are generated or otherwise present within the jurisdiction. This element shall include an assessment of the quantities, types, generators, and fate of moderate-risk wastes in the jurisdiction. The purpose of this element is to develop a system of managing moderate-risk waste, appropriate to each local area, to ensure protection of the environment and public health;

(b) A plan or program to provide for ongoing public involvement and public education in regard to the management of moderate-risk waste. This element shall provide information regarding:

(i) The potential hazards to human health and the environment resulting from improper use and disposal of the waste; and

(ii) Proper methods of handling, reducing, recycling, and disposing of the waste;

(c) An inventory of all existing generators of hazardous waste and facilities managing hazardous waste within the jurisdiction. This inventory shall be based on data provided by the department;

(d) A description of the public involvement process used in developing the plan;

(e) A description of the eligible zones designated in accordance with RCW 70.105.225. However, the requirement to designate eligible zones shall not be considered part of the local hazardous waste planning requirements; and

(f) Other elements as deemed appropriate by local government.

(2) To the maximum extent practicable, the local hazardous waste plan shall be coordinated with other hazardous materials-related plans and policies in the jurisdiction.

(3) In recognition of the role of the private sector in providing hazardous and moderate-risk waste management facilities and transportation services, and in addition to other public involvement activities that may be required, local governments shall coordinate with those persons involved in providing such facilities and services.

(4) (a) The department shall prepare guidelines for the development of local hazardous waste plans. The guidelines shall be prepared in consultation with local governments and shall be completed by December 31, 1986. The guidelines shall include a list of substances identified as hazardous household substances.

(b) In preparing the guidelines under (a) of this subsection, the department shall review and assess information on pilot projects that have been conducted for moderate-risk waste management. The department shall encourage additional pilot projects as needed to provide information to improve and update the guidelines.

(5) The department shall consult with retailers, trade associations, public interest groups, and appropriate units of local government to encourage the development of voluntary public education programs on the proper handling of hazardous household substances.

(6) Local hazardous waste plans shall be completed and submitted to the department no later than June 30, 1990. Local governments may from time to time amend the local plan.

(7) Each local government, or combination of contiguous local governments, shall submit its local hazardous waste plan or amendments thereto to the department. The department shall approve or disapprove local hazardous waste plans or amendments by December 31, 1990, or within ninety days of submission, whichever is later. The department shall approve a local hazardous waste plan if it determines that the plan is consistent with this chapter and the guidelines under subsection (4) of this section. If approval is denied, the department shall submit its objections to the local government within ninety days of submission. However, for plans submitted between January 1, 1990, and June 30, 1990, the department shall have one hundred eighty days to submit its objections. No local government is eligible for grants under RCW 70.105.235 for implementing a local hazardous waste plan unless the plan for that jurisdiction has been approved by the department.

(8) Each local government, or combination of contiguous local governments, shall implement the local hazardous waste plan for its jurisdiction by December 31, 1991.

(9) The department may waive the specific requirements of this section for any local government if such local government demonstrates to the satisfaction of the department that the objectives of the planning requirements have been met. [1986 c 210 § 1; 1985 c 448 § 6.]

**Severability**—1985 c 448: See note following RCW 70.105.005.

**70.105.235 Grants to local governments for plan preparation, implementation, and designation of zones—Matching funds—Qualifications.** (1) Subject to legislative appropriations, the department may make and administer grants to local governments for (a) preparing and updating local hazardous waste plans, (b) implementing approved local hazardous waste plans, and (c) designating eligible zones for designated zone facilities as required under this chapter.

(2) Local governments shall match the funds provided by the department for planning or designating zones with an amount not less than twenty-five percent of the estimated cost of the work to be performed. Local governments may meet their share of costs with cash or contributed services. Local governments, or combination of contiguous local governments, conducting pilot projects pursuant to RCW 70.105.220(4) may subtract the

cost of those pilot projects conducted for hazardous household substances from their share of the cost. If a pilot project has been conducted for all moderate-risk wastes, only the portion of the cost that applies to hazardous household substances shall be subtracted. The matching funds requirement under this subsection shall be waived for local governments, or combination of contiguous local governments, that complete and submit their local hazardous waste plans under RCW 70.105.220(6) prior to June 30, 1988.

(3) Recipients of grants shall meet such qualifications and follow such procedures in applying for and using grants as may be established by the department. [1986 c 210 § 2; 1985 c 448 § 9.]

**Severability**—1985 c 448: See note following RCW 70.105.005.

## Chapter 70.108 OUTDOOR MUSIC FESTIVALS

### Sections

70.108.040 Application for permit—Contents—Filing.

**70.108.040 Application for permit—Contents—Filing.** Application for an outdoor music festival permit shall be in writing and filed with the clerk of the issuing authority wherein the festival is to be held. Said application shall be filed not less than ninety days prior to the first scheduled day of the festival and shall be accompanied with a permit fee in the amount of two thousand five hundred dollars. Said application shall include:

(1) The name of the person or other legal entity on behalf of whom said application is made: *Provided*, That a natural person applying for such permit shall be eighteen years of age or older;

(2) A financial statement of the applicant;

(3) The nature of the business organization of the applicant;

(4) Names and addresses of all individuals or other entities having a ten percent or more proprietary interest in the festival;

(5) The principal place of business of applicant;

(6) A legal description of the land to be occupied, the name and address of the owner thereof, together with a document showing the consent of said owner to the issuance of a permit, if the land be owned by a person other than the applicant;

(7) The scheduled performances and program;

(8) Written confirmation from the local health officer that he or she has reviewed and approved plans for site and development in accordance with rules, regulations and standards adopted by the state board of health. Such rules and regulations shall include criteria as to the following and such other matters as the state board of health deems necessary to protect the public's health:

(a) Submission of plans

(b) Site

(c) Water supply

(d) Sewage disposal

(e) Food preparation facilities

(f) Toilet facilities

- (g) Solid waste
- (h) Insect and rodent control
- (i) Shelter
- (j) Dust control
- (k) Lighting
- (l) Emergency medical facilities
- (m) Emergency air evacuation
- (n) Attendant physicians
- (o) Communication systems

(9) A written confirmation from the appropriate law enforcement agency from the area where the outdoor music festival is to take place, showing that traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant meeting the following conditions:

(a) One person for each two hundred persons reasonably expected to be in attendance at any time during the event for purposes of traffic and crowd control.

(b) The names and addresses of all traffic and crowd control personnel shall be provided to the appropriate law enforcement authority: *Provided*, That not less than twenty percent of the traffic and crowd control personnel shall be commissioned police officers or deputy sheriffs: *Provided further*, That on and after February 25, 1972 any commissioned police officer or deputy sheriff who is employed and compensated by the promoter of an outdoor music festival shall not be eligible and shall not receive any benefits whatsoever from any public pension or disability plan of which he or she is a member for the time he is so employed or for any injuries received during the course of such employment.

(c) During the hours that the festival site shall be open to the public there shall be at least one regularly commissioned police officer employed by the jurisdiction wherein the festival site is located for every one thousand persons in attendance and said officer shall be on duty within the confines of the actual outdoor music festival site.

(d) All law enforcement personnel shall be charged with enforcing the provisions of this chapter and all existing statutes, ordinances and regulations.

(10) A written confirmation from the appropriate law enforcement authority that sufficient access roads are available for ingress and egress to the parking areas of the outdoor music festival site and that parking areas are available on the actual site of the festival or immediately adjacent thereto which are capable of accommodating one auto for every four persons in estimated attendance at the outdoor music festival site.

(11) A written confirmation from the department of natural resources, where applicable, and the director of community development, through the director of fire protection, that all fire prevention requirements have been complied with.

(12) A written statement of the applicant that all state and local law enforcement officers, fire control officers and other necessary governmental personnel shall have free access to the site of the outdoor music festival.

(13) A statement that the applicant will abide by the provisions of this chapter.

(14) The verification of the applicant warranting the truth of the matters set forth in the application to the best of the applicant's knowledge, under the penalty of perjury. [1986 c 266 § 120; 1972 ex.s. c 123 § 1; 1971 ex.s. c 302 § 23.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

### Chapter 70.119A

#### PUBLIC WATER SUPPLY SYSTEMS— PENALTIES AND COMPLIANCE

##### Sections

- 70.119A.010 Purpose.
- 70.119A.020 Definitions.
- 70.119A.030 Violations—Failure to comply with departmental order—Penalty.
- 70.119A.040 Penalty—Notice—Payment of fine—Action in superior court.
- 70.119A.050 Enforcement of regulations by local boards of health—Civil penalties.

**70.119A.010 Purpose.** The purpose of this chapter is to authorize local boards of health and the department of social and health services to impose civil penalties for specified acts or omissions or for disobeying an order to comply with regulations relating to public water supply systems. Conformance with laws and regulations to preserve and protect the purity of drinking water in our public water systems is of utmost importance. [1986 c 271 § 1.]

**70.119A.020 Definitions.** Unless the context clearly requires otherwise, the following definitions apply throughout this chapter:

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

(2) "Local board of health" has the meaning in RCW 70.05.010.

(3) "Public water supply system" has the meaning in RCW 70.119.020.

(4) "Order" means a written direction to comply with a provision of the regulations or to take an action or a series of actions to comply with the regulations, allowing a reasonable time to comply without penalty and shall consider the ability of the public water supply system to prevent or correct the violation.

(5) "Regulations" means the provisions of chapter 248–54 WAC, as it may be amended, or any regulations that supersede chapter 248–54 WAC and are adopted under the authority of RCW 43.20.050(2)(a). [1986 c 271 § 2.]

**70.119A.030 Violations—Failure to comply with departmental order—Penalty.** (1) As limited by RCW 70.119A.040, the department may impose penalties for violations of laws or regulations that are determined by the health officer to be an imminent or actual public health emergency.

(2) As limited by RCW 70.119A.040, the department may impose penalties for failure to comply with an order

of the department, or of an authorized local board of health, when the order:

(a) Directs any person to stop work on the construction or alteration of a public water supply system when plans and specifications for the construction or alteration have not been approved as required by the regulations, or when the work is not being done in conformity with approved plans and specifications;

(b) Requires any person to eliminate a cross-connection to a public water supply system by a specified time; or

(c) Directs the owner or operator of a public water supply system to cease violating any other regulation relating to public water supply systems, or to take specific actions within a specified time to place a public water supply system in compliance with any other regulations. [1986 c 271 § 3.]

**70.119A.040 Penalty—Notice—Payment of fine—Action in superior court.** (1) In addition to or as an alternative to any other penalty provided by law, every person who commits any of the acts or omissions in RCW 70.119A.030 shall be subjected to a penalty in an amount of not more than five thousand dollars per day for every such violation. Every such violation shall be a separate and distinct offense. The amount of fine shall reflect the health significance of the violation and the previous record of compliance on the part of the public water supplier. In case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty provided in this section.

(2) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department, describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department for the remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper, giving consideration to the degree of hazard associated with the violation, provided the department deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper. Any penalty imposed by this section shall be subject to review by the office of administrative hearings in accordance with chapter 34.12 RCW.

(3) Any penalty imposed by this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or petition for review is filed directly to the office of administrative hearings within thirty days

of the imposition of the penalty. When such an application for remission or mitigation is made, any penalty incurred pursuant to this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application. Any penalty resulting from a decision of the office of administrative hearings shall become due and payable thirty days after receipt of the notice setting forth the decision.

(4) If the amount of any penalty is not paid within thirty days after it becomes due and payable, the attorney general, upon the request of the secretary of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which such violator may do business, to recover such penalty. In all such actions, the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided.

(5) All penalties imposed under this section shall be payable to the state treasury and credited to the general fund. [1986 c 271 § 4.]

**70.119A.050 Enforcement of regulations by local boards of health—Civil penalties.** Each local board of health that is enforcing the regulations under an agreement with the department allocating state and local responsibility is authorized to impose civil penalties for violations within the area of its responsibility under the same limitations and requirements as imposed upon the department in RCW 70.119A.030 and 70.119A.040, except that the penalties shall be placed into the general fund of the county, city, or town operating the local board of health, and the prosecuting attorney, or city, or town attorney shall bring the actions to collect the unpaid penalties. [1986 c 271 § 5.]

## Chapter 70.136

### HAZARDOUS MATERIALS INCIDENTS

#### Sections

70.136.030 Incident command agencies—Designation by political subdivisions.

*Radioactive and hazardous waste emergency response programs, state coordinator: RCW 38.52.030.*

**70.136.030 Incident command agencies—Designation by political subdivisions.** The governing body of each applicable political subdivision of this state may designate a hazardous materials incident command agency within its respective boundaries, and file this designation with the director of community development. In designating an incident command agency, the political subdivision shall consider the training, manpower, expertise, and equipment of various available agencies as well as the Uniform Fire Code and other existing codes and regulations. Along state and interstate highway corridors, the Washington state patrol shall be the designated incident command agency unless by mutual agreement that role has been assumed by another designated incident command agency. [1986 c 266 § 50; 1985 c 7 § 132; 1984 c 165 § 1; 1982 c 172 § 4.]

Severability—1986 c 266: See note following RCW 38.52.005.

### Chapter 70.146

## WATER POLLUTION CONTROL FACILITIES FINANCING

### Sections

70.146.010	Purpose—Legislative intent.
70.146.020	Definitions.
70.146.030	Water quality account—Progress report.
70.146.040	Level of grant or loan not precedent.
70.146.050	Compliance schedule for secondary treatment.
70.146.060	Water quality account distributions—Limitations.
70.146.070	Grants or loans for water pollution control facilities— Considerations.
70.146.080	Determination of tax receipts in water quality ac- count—Transfer of sufficient moneys from general revenues.
70.146.900	Severability—1986 c 3.

**70.146.010 Purpose—Legislative intent.** The long-range health and environmental goals for the state of Washington require the protection of the state's surface and underground waters for the health, safety, use, enjoyment, and economic benefit of its people. It is the purpose of this chapter to provide financial assistance to the state and to local governments for the planning, design, acquisition, construction, and improvement of water pollution control facilities and related activities in the achievement of state and federal water pollution control requirements for the protection of the state's waters.

It is the intent of the legislature that distribution of moneys for water pollution control facilities under this chapter be made on an equitable basis taking into consideration legal mandates, local effort, ratepayer impacts, and past distributions of state and federal moneys for water pollution control facilities.

It is the intent of this chapter that the cost of any water pollution control facility attributable to increased or additional capacity that exceeds one hundred ten percent of existing needs at the time of application for assistance under this chapter shall be entirely a local or private responsibility. It is the intent of this chapter that industrial pretreatment be paid by industries and that the water quality account shall not be used for such purposes. [1986 c 3 § 1.]

**Plan—Report—1986 c 3:** "(1) The office of financial management, with the assistance of the department of ecology and other appropriate state agencies and representatives of local government, shall develop a plan for state financial assistance for future water pollution control facilities and activities in conformance with the intent and purposes of this chapter. The plan shall be presented to the legislature no later than January 1, 1987, and shall include but not be limited to the following:

(a) An evaluation of the total cost to public bodies throughout the state constructing water pollution control facilities and undertaking water pollution control activities, including an identification of the federal, state, and local resources and mechanisms available to address water quality needs; the need for and appropriate level of state assistance for such facilities and activities and the appropriate level of such assistance; and an evaluation of whether such assistance should be in the form of loans, grants, or a combination thereof. The evaluation shall give consideration to the absence of conservation district taxing authority and the corresponding need for increased levels of matching loans or grants for such districts.

(b) Recommendations for the establishment of a state revolving loan fund program for water pollution control expenditures, including the terms and rate of interest to be charged on state loans.

(c) A description of criteria for the equitable distribution of state moneys based upon the intent and policies of this chapter. This element shall include a compilation of current local household sewerage rates imposed throughout the state and a forecast of future sewerage rates throughout the state based upon the costs of construction and of proper operation and maintenance of water pollution control facilities. Such forecast shall include estimates of the impact on future household sewerage rates of varying levels of state assistance.

(d) An assessment of the capacity of local entities providing sewerage services to raise the capital necessary to comply with federal and state wastewater treatment requirements and to provide proper operation and maintenance of water pollution control facilities.

(e) An evaluation of the feasibility of debt service agreement with local entities where the state would assist local jurisdictions to defray the debt service on locally issued bonds.

(f) An assessment of and recommendations for improved coordination of all water quality management activities among state agencies and between the state and local governments.

(2) The director of ecology shall report to the legislature by January 1, 1987, an evaluation of the water quality protection needs for the state, excluding the geographic area covered by the Puget Sound water quality authority's management plan for Puget Sound. The evaluation should include, but not be limited to:

(a) An assessment of future water pollution control facility needs to accommodate population and economic growth, including those facilities under compliance orders and other legal mandates. This shall include consideration of the appropriate state role in financing such needs.

(b) Incorporation of nonpoint water quality management plans generated under section 208 of the federal clean water act and the needs of public bodies for:

(i) Ground water protection planning and implementation including source protection plans for public water systems;

(ii) Control of nonpoint pollution from agriculture, urban stormwater runoff, forest practices, and on-site sewage disposal;

(iii) Shellfish protection;

(iv) Lake restoration; and

(v) Greatest reasonable reduction of combined sewer overflows.

(c) The need for revision or establishment of industrial discharge standards, including pretreatment requirements.

(d) The adequacy of monitoring and laboratory capabilities for conducting a state-wide water quality protection program.

The report shall incorporate the timetables established in RCW 90.44.400 through 90.44.440 for ground water management activities and the timetables established in RCW 90.48.460 through 90.48.490 for review of industrial discharge standards and reduction of combined sewer overflows. The report shall specify criteria for establishing priorities among various water quality needs, including an identification of key problem areas, requirements of existing state and federal legislation, an evaluation of local governments' readiness to proceed in meeting various needs, and the constraints impeding progress. In developing the evaluation, the director shall coordinate with the office of financial management and the Puget Sound water quality authority and shall consult with other appropriate state agencies." [1986 c 3 § 7.]

**Effective dates—1986 c 3:** See note following RCW 82.24.027.

**70.146.020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Account" means the water quality account in the state treasury.

(2) "Department" means the department of ecology.

(3) "Eligible cost" means the cost of that portion of a water pollution control facility that can be financed under this chapter excluding any portion of a facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the applicant's needs for water pollution control existing at the time application is submitted for assistance under this chapter.

(4) "Water pollution control facility" or "facilities" means any facilities or systems owned or operated by a public body for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

(5) "Water pollution control activities" means actions taken by a public body for the following purposes: (a) To prevent or mitigate pollution of underground water; (b) to control nonpoint sources of water pollution; (c) to restore the water quality of fresh water lakes; and (d) to maintain or improve water quality through the use of water pollution control facilities or other means.

(6) "Public body" means the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(7) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(8) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(9) "Sole source aquifer" means the sole or principal source of public drinking water for an area designated by the administrator of the environmental protection agency pursuant to Public Law 93-523, Sec. 1424(b). [1986 c 3 § 2.]

**Effective dates**—1986 c 3: See note following RCW 82.24.027.

**70.146.030 Water quality account—Progress report.** (1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027,

82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature. All earnings from investment of balances in the water quality account, except as provided in RCW 43.84.090, shall be credited to the water quality account.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report on the use of moneys from the account to the legislature no later than November 30th of each year. [1986 c 3 § 3.]

**Effective dates**—1986 c 3: See note following RCW 82.24.027.

**70.146.040 Level of grant or loan not precedent.** No grant or loan made in this chapter for fiscal year 1987 shall be construed to establish a precedent for levels of grants or loans made from the water quality account thereafter. [1986 c 3 § 6.]

**Effective dates**—1986 c 3: See note following RCW 82.24.027.

**70.146.050 Compliance schedule for secondary treatment.** The department of ecology may provide for a phased in compliance schedule for secondary treatment which addresses local factors that may impede compliance with secondary treatment requirements of the federal clean water act.

In determining the length of time to be granted for compliance, the department shall consider the criteria specified in the federal clean water act. [1986 c 3 § 8.]

**Effective dates**—1986 c 3: See note following RCW 82.24.027.

**70.146.060 Water quality account distributions—Limitations.** During the period from July 1, 1987, until June 30, 1995, the following limitations shall apply to the department's total distribution of funds appropriated from the water quality account:

(1) Not more than fifty percent for water pollution control facilities which discharge directly into marine waters;

(2) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie Aquifer;

(3) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(4) Not more than ten percent for activities which control nonpoint source water pollution;

(5) Ten percent and such sums as may be remaining from the categories specified in subsections (1) through (4) of this section for water pollution control activities or facilities as determined by the department; and

(6) Not more than two and one-half percent of the total amounts of moneys under subsections (1) through (5) of this section from February 21, 1986, until December 31, 1995, may be transferred by the department to the state conservation commission for the purposes of this chapter.

The distribution under this section shall not be required to be met in any single fiscal year. [1986 c 3 § 9.]

**Effective dates**—1986 c 3: See note following RCW 82.24.027.

**70.146.070 Grants or loans for water pollution control facilities—Considerations.** When making grants or loans for water pollution control facilities, the department shall consider the following:

(1) The protection of water quality and public health;

(2) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(3) Actions required under federal and state permits and compliance orders;

(4) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(5) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(6) The recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state. [1986 c 3 § 10.]

**Effective dates**—1986 c 3: See note following RCW 82.24.027.

**70.146.080 Determination of tax receipts in water quality account—Transfer of sufficient moneys from general revenues.** Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

After June 30, 1989, if the tax receipts deposited into the water quality account for the preceding fiscal year are less than forty-five million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts up to forty-five million dollars. [1986 c 3 § 11.]

**Effective dates**—1986 c 3: See note following RCW 82.24.027.

**70.146.900 Severability**—1986 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. [1986 c 3 § 16.]

## Chapter 70.150

### WATER QUALITY JOINT DEVELOPMENT ACT

#### Sections

70.150.010	Purpose—Legislative intent.
70.150.020	Definitions.
70.150.030	Agreements with service providers—Contents—Sources of funds for periodic payments under agreements.
70.150.040	Service agreements and related agreements—Procedural requirements.
70.150.050	Sale, lease, or assignment of public property to service provider—Use for services to public body.
70.150.060	Public body eligible for grants or loans—Use of grants or loans.
70.150.070	RCW 70.150.030 through 70.150.060 to be additional method of providing services.
70.150.080	Application of other chapters to service agreements under this chapter—Prevailing wages.
70.150.900	Short title.
70.150.905	Severability—1986 c 244.

**70.150.010 Purpose**—Legislative intent. The long-range health and economic and environmental goals for the state of Washington require the protection of the state's surface and underground waters for the health, safety, use, and enjoyment of its people. It is the purpose of this chapter to provide public bodies an additional means by which to provide for financing, development, and operation of water pollution control facilities needed for achievement of state and federal water pollution control requirements for the protection of the state's waters.

It is the intent of the legislature that public bodies be authorized to provide service from water pollution control facilities by means of service agreements with public or private parties as provided in this chapter. [1986 c 244 § 1.]

**70.150.020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Water pollution control facilities" or "facilities" means any facilities, systems, or subsystems owned or operated by a public body, or owned or operated by any person or entity for the purpose of providing service to a public body, for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential wastes, commercial wastes, industrial wastes, and agricultural wastes, that are causing or threatening the degradation of subterranean or surface bodies of water due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities do not include dams or water supply systems.

(2) "Public body" means the state of Washington or any agency, county, city or town, political subdivision, municipal corporation, or quasi-municipal corporation.



(3) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any surface or subterranean waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(4) "Agreement" means any agreement to which a public body and a service provider are parties by which the service provider agrees to deliver service to such public body in connection with its design, financing, construction, ownership, operation, or maintenance of water pollution control facilities in accordance with this chapter.

(5) "Service provider" means any privately owned or publicly owned profit or nonprofit corporation, partnership, joint venture, association, or other person or entity that is legally capable of contracting for and providing service with respect to the design, financing, ownership, construction, operation, or maintenance of water pollution control facilities in accordance with this chapter. [1986 c 244 § 2.]

**70.150.030 Agreements with service providers—Contents—Sources of funds for periodic payments under agreements.** (1) Public bodies may enter into agreements with service providers for the furnishing of service in connection with water pollution control facilities pursuant to the process set forth in RCW 70.150.040. The agreements may provide that a public body pay a minimum periodic fee in consideration of the service actually available without regard to the amount of service actually used during all or any part of the contractual period. Agreements may be for a term not to exceed forty years or the life of the facility, whichever is longer, and may be renewable.

(2) The source of funds to meet periodic payment obligations assumed by a public body pursuant to an agreement permitted under this section may be paid from taxes, or solely from user fees, charges, or other revenues pledged to the payment of the periodic obligations, or any of these sources. [1986 c 244 § 3.]

**70.150.040 Service agreements and related agreements—Procedural requirements.** The legislative authority of a public body may secure services by means of an agreement with a service provider. Such an agreement may obligate a service provider to design, finance, construct, own, operate, or maintain water pollution control facilities by which services are provided to the public body. Service agreements and related agreements under this chapter shall be entered into in accordance with the following procedure:

(1) The legislative authority of the public body shall publish notice that it is seeking to secure certain specified services by means of entering into an agreement

with a service provider. The notice shall be published in the official newspaper of the public body, or if there is no official newspaper then in a newspaper in general circulation within the boundaries of the public body, at least once each week for two consecutive weeks. The final notice shall appear not less than sixty days before the date for submission of proposals. The notice shall state (a) the nature of the services needed, (b) the location in the public body's offices where the requirements and standards for construction, operation, or maintenance of projects needed as part of the services are available for inspection, and (c) the final date for the submission of proposals. The legislative authority may undertake a prequalification process by the same procedure set forth in this subsection.

(2) The request for proposals shall (a) indicate the time and place responses are due, (b) include evaluation criteria to be considered in selecting a service provider, (c) specify minimum requirements or other limitations applying to selection, (d) insofar as practicable, set forth terms and provisions to be included in the service agreement, and (e) require the service provider to demonstrate in its proposal that a public body's annual costs will be lower under its proposal than they would be if the public body financed, constructed, owned, operated, and maintained facilities required for service.

(3) The criteria set forth in the request for proposals shall be those determined to be relevant by the legislative authority of the public body, which may include but shall not be limited to: The respondent's prior experience, including design, construction, or operation of other similar facilities; respondent's management capability, schedule availability, and financial resources; cost of the service; nature of facility design proposed by respondents; system reliability; performance standards required for the facilities; compatibility with existing service facilities operated by the public body or other providers of service to the public body; project performance warranties; penalty and other enforcement provisions; environmental protection measures to be used; and allocation of project risks. The legislative authority shall designate persons or entities (a) to assist it in issuing the request for proposals to ensure that proposals will be responsive to its needs, and (b) to assist it in evaluating the proposals received. The designee shall not be a member of the legislative authority.

(4) After proposals under subsections (1) through (3) of this section have been received, the legislative authority's designee shall determine, on the basis of its review of the proposals, whether one or more proposals have been received from respondents which are (a) determined to be qualified to provide the requested services, and (b) responsive to the notice and evaluation criteria, which shall include, but not be limited to, cost of services. These chosen respondents shall be referred to as the selected respondents in this section. The designee shall conduct a bidder's conference to include all these selected respondents to assure a full understanding of the proposals. The bidder's conference shall also allow the designee to make these selected respondents aware of

any changes in the request for proposal. Any information related to revisions in the request for proposal shall be made available to all these selected respondents. Any selected respondent shall be accorded a reasonable opportunity for revision of its proposal prior to commencement of the negotiation provided in subsection (5) of this section, for the purpose of obtaining best and final proposals.

(5) After such conference is held, the designee may negotiate with the selected respondent whose proposal it determines to be the most advantageous to the public body, considering the criteria set forth in the request for proposals. If the negotiation is unsuccessful, the legislative authority may authorize the designee to commence negotiations with any other selected respondent. On completion of this process, the designee shall report to the legislative authority on his or her recommendations and the reasons for them.

(6) Any person aggrieved by the legislative authority's approval of a contract may appeal the determination to an appeals board selected by the public body, which shall consist of not less than three persons determined by the legislative authority to be qualified for such purposes. Such board shall promptly hear and determine whether the public body entered into the agreement in accordance with this chapter and other applicable law. The hearing shall be conducted in the same manner as a contested case under chapter 34.04 RCW. The board shall have the power only to affirm or void the agreement.

(7) Notwithstanding the foregoing, where contracting for design services by the public body is done separately from contracting for other services permitted under this chapter, the contracting for design of water pollution control facilities shall be done in accordance with chapter 39.80 RCW.

(8) A service agreement shall include provision for an option by which a public body may acquire at fair market value facilities dedicated to such service.

(9) Before any service agreement is entered into by the public body, it shall be reviewed and approved by the department of ecology to ensure that the purposes of chapter 90.48 RCW are implemented.

(10) Prior to entering into any service agreement under this chapter, the public body must have made written findings, after holding a public hearing on the proposal, that it is in the public interest to enter into the service agreement and that the service agreement is financially sound and advantageous compared to other methods.

(11) Each service agreement shall include project performance bonds or other security by the service provider which in the judgment of the public body is sufficient to secure adequate performance by the service provider. [1986 c 244 § 4.]

**70.150.050 Sale, lease, or assignment of public property to service provider—Use for services to public body.** A public body may sell, lease, or assign public

property for fair market value to any service provider as part of a service agreement entered into under the authority of this chapter. The property sold or leased shall be used by the provider, directly or indirectly, in providing services to the public body. Such use may include demolition, modification, or other use of the property as may be necessary to execute the purposes of the service agreement. [1986 c 244 § 5.]

**70.150.060 Public body eligible for grants or loans—Use of grants or loans.** A public body that enters into a service agreement pursuant to this chapter, under which a facility is owned wholly or partly by a service provider, shall be eligible for grants or loans to the extent permitted by law or regulation as if the entire portion of the facility dedicated to service to such public body were publicly owned. The grants or loans shall be made to and shall inure to the benefit of the public body and not the service provider. Such grants or loans shall be used by the public body for all or part of its ownership interest in the facility, and/or to defray a part of the payments it makes to the service provider under a service agreement if such uses are permitted under the grant or loan program. [1986 c 244 § 6.]

**70.150.070 RCW 70.150.030 through 70.150.060 to be additional method of providing services.** RCW 70.150.030 through 70.150.060 shall be deemed to provide an additional method for the provision of services from and in connection with facilities and shall be regarded as supplemental and additional to powers conferred by other state laws and by federal laws. [1986 c 244 § 7.]

**70.150.080 Application of other chapters to service agreements under this chapter—Prevailing wages.** (1) The provisions of chapters 39.12, 39.19, and 39.25 RCW shall apply to a service agreement entered into under this chapter to the same extent as if the facilities dedicated to such service were owned by a public body.

(2) Subsection (1) of this section shall not be construed to apply to agreements or actions by persons or entities which are not undertaken pursuant to this chapter.

(3) Except for RCW 39.04.175, this chapter shall not be construed as a limitation or restriction on the application of Title 39 RCW to public bodies.

(4) Prevailing wages shall be established as the prevailing wage in the largest city of the county in which facilities are built. [1986 c 244 § 8.]

**70.150.900 Short title.** This chapter may be cited as the water quality joint development act. [1986 c 244 § 9.]

**70.150.905 Severability—1986 c 244.** 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. [1986 c 244 § 18.]

**Chapter 70.160**  
**WASHINGTON CLEAN INDOOR AIR ACT**

## Sections

70.160.060 Intent of chapter as applied to certain private workplaces.

**70.160.060 Intent of chapter as applied to certain private workplaces.** This chapter is not intended to regulate smoking in a private enclosed workplace, within a public place, even though such workplace may be visited by nonsmokers, excepting places in which smoking is prohibited by the director of community development, through the director of fire protection, or by other law, ordinance, or regulation. [1986 c 266 § 121; 1985 c 236 § 6.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**Title 71**  
**MENTAL ILLNESS**

## Chapters

**71.05** Mental illness.  
**71.12** Private establishments.  
**71.24** Community mental health services act.

**Chapter 71.05**  
**MENTAL ILLNESS**

## Sections

71.05.280 Additional confinement—Grounds—Duration.  
71.05.290 Petition—Affidavit.  
71.05.320 Remand for additional treatment—Duration—New petition—Grounds—Hearing.  
71.05.325 Release from involuntary treatment—Notice to prosecuting attorney.  
71.05.330 Early release—Notice to court and prosecuting attorney—Petition for hearing.  
71.05.335 Modification of order for inpatient treatment—Intervention by prosecuting attorney.  
71.05.340 Outpatient treatment or care—Conditional release—Procedures for revocation.  
71.05.390 Confidential information and records—Disclosure.

**71.05.280 Additional confinement—Grounds—Duration.** At the expiration of the fourteen day period of intensive treatment, a person may be confined for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself, or substantial damage upon the property of another, and (b) as a result of mental disorder presents a likelihood of serious harm to others or himself; or

(2) Such person was taken into custody as a result of conduct in which he attempted or inflicted physical harm upon the person of another or himself, and continues to present, as a result of mental disorder, a likelihood of serious harm to others or himself; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.090(3), as now or hereafter amended, and has committed acts constituting a felony, and as a result of a mental disorder, presents a substantial likelihood of repeating similar acts. In any proceeding pursuant to this subsection it shall not be necessary to show intent, wilfulness, or state of mind as an element of the felony; or

(4) Such person is gravely disabled.

For the purposes of this chapter "custody" shall mean involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from a facility providing involuntary care and treatment. [1986 c 67 § 3; 1979 ex.s. c 215 § 14; 1974 ex.s. c 145 § 19; 1973 1st ex.s. c 142 § 33.]

**71.05.290 Petition—Affidavit.** (1) At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his professional designee or the designated county mental health professional may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2) The petition shall summarize the facts which support the need for further confinement and shall be supported by affidavits signed by two examining physicians, or by one examining physician and examining mental health professional. The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.090(3) as now existing or hereafter amended, then the professional person in charge of the treatment facility or his professional designee or the county designated mental health professional may directly file a petition for one hundred eighty day treatment under RCW 71.05.280(3). No petition for initial detention or fourteen day detention is required before such a petition may be filed. [1986 c 67 § 4; 1975 1st ex.s. c 199 § 6; 1974 ex.s. c 145 § 20; 1973 1st ex.s. c 142 § 34.]

**71.05.320 Remand for additional treatment—Duration—New petition—Grounds—Hearing.** (1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and

health services for a further period of intensive treatment not to exceed ninety days from the date of judgment: *Provided*, That if the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department. An order for treatment less restrictive than involuntary detention may include conditions, and if such conditions are not adhered to, the designated mental health professional may order the person apprehended under the terms and conditions of RCW 71.05.340 as now or hereafter amended.

If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment: *Provided*, That if the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment.

(2) Said person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) of this section unless the superintendent or professional person in charge of the facility in which he is confined, or in the event of a less restrictive alternative, the designated mental health professional, files a new petition for involuntary treatment on the grounds that the committed person;

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of mental disorder presents a likelihood of serious harm to others; or

(b) Was taken into custody as a result of conduct in which he attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder a likelihood of serious harm to others; or

(c) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder presents a substantial likelihood of repeating similar acts; or

(d) Continues to be gravely disabled.

If the conduct required to be proven in subsections (b) and (c) of this section was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to reprove that element. Such new petition for involuntary treatment shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for

additional confinement as set forth in this subsection are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued treatment is filed and heard in the same manner as provided herein above. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment. No person committed as herein provided may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length. [1986 c 67 § 5; 1979 ex.s. c 215 § 15; 1975 1st ex.s. c 199 § 9; 1974 ex.s. c 145 § 23; 1973 1st ex.s. c 142 § 37.]

**71.05.325 Release from involuntary treatment—**  
**Notice to prosecuting attorney.** Before a person committed under grounds set forth in RCW 71.05.280(3) is released from involuntary treatment because a new petition for involuntary treatment has not been filed under RCW 71.05.320(2), the superintendent, professional person, or designated mental health professional responsible for the decision whether to file a new petition shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision not to file a new petition for involuntary treatment. Notice shall be provided at least thirty days before the period of commitment expires. Nothing in this section shall be construed to authorize detention of a person unless a valid order of commitment is in effect. [1986 c 67 § 2.]

**71.05.330 Early release—**  
**Notice to court and prosecuting attorney—**  
**Petition for hearing.** (1) Nothing in this chapter shall prohibit the superintendent or professional person in charge of the hospital or facility in which the person is being involuntarily treated from releasing him prior to the expiration of the commitment period when, in the opinion of the superintendent or professional person in charge, the person being involuntarily treated no longer presents a likelihood of serious harm to others.

Whenever the superintendent or professional person in charge of a hospital or facility providing involuntary treatment pursuant to this chapter releases a person prior to the expiration of the period of commitment, the superintendent or professional person in charge shall in writing notify the court which committed the person for treatment.

(2) Before a person committed under grounds set forth in RCW 71.05.280(3) or 71.05.320(2)(c) is released under this section, the superintendent or professional person in charge shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the release date. Notice shall be provided at least thirty days before the release date. Within twenty days after

receiving notice, the prosecuting attorney may petition the court in the county in which the person is being involuntarily treated for a hearing to determine whether the person is to be released. The prosecuting attorney shall provide a copy of the petition to the superintendent or professional person in charge of the hospital or facility providing involuntary treatment, the attorney, if any, and the guardian or conservator of the committed person. The court shall conduct a hearing on the petition within ten days of filing the petition. The committed person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as set forth in this subsection and except that there shall be no right to jury trial. The issue to be determined at the hearing is whether or not the person may be released without substantial danger to other persons, or substantial likelihood of committing felonious acts jeopardizing public safety or security. If the court disapproves of the release, it may do so only on the basis of substantial evidence. Pursuant to the determination of the court upon the hearing, the committed person shall be released or shall be returned for involuntary treatment subject to release at the end of the period for which he or she was committed, or otherwise in accordance with the provisions of this chapter. [1986 c 67 § 1; 1973 1st ex.s. c 142 § 38.]

**71.05.335 Modification of order for inpatient treatment—Intervention by prosecuting attorney.** In any proceeding under this chapter to modify a commitment order of a person committed to inpatient treatment under grounds set forth in RCW 71.05.280(3) or 71.05.320(2)(c) in which the requested relief includes treatment less restrictive than detention, the prosecuting attorney shall be entitled to intervene. The party initiating the motion to modify the commitment order shall serve the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed with written notice and copies of the initiating papers. [1986 c 67 § 7.]

**71.05.340 Outpatient treatment or care—Conditional release—Procedures for revocation.** (1) (a) When, in the opinion of the superintendent or the professional person in charge of the hospital or facility providing involuntary treatment, the committed person can be appropriately served by outpatient treatment prior to or at the expiration of the period of commitment, then such outpatient care may be required as a condition for early release for a period which, when added to the inpatient treatment period, shall not exceed the period of commitment. If the hospital or facility designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated county mental health professional in the county in which the patient is to receive outpatient treatment, and to the court of original commitment.

(b) Before a person committed under grounds set forth in RCW 71.05.280(3) or 71.05.320(2)(c) is conditionally released under (a) of this subsection, the superintendent or professional person in charge of the hospital or facility providing involuntary treatment shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision to conditionally release the person. Notice and a copy of the conditions for early release shall be provided at least thirty days before the person is released from inpatient care. Within twenty days after receiving notice, the prosecuting attorney may petition the court in the county that issued the commitment order to hold a hearing to determine whether the person may be conditionally released and the terms of the conditional release. The prosecuting attorney shall provide a copy of the petition to the superintendent or professional person in charge of the hospital or facility providing involuntary treatment, the attorney, if any, and guardian or conservator of the committed person, and the court of original commitment. If the county in which the committed person is to receive outpatient treatment is the same county in which the criminal charges against the committed person were dismissed, then the court shall, upon the motion of the prosecuting attorney, transfer the proceeding to the court in that county. The court shall conduct a hearing on the petition within ten days of the filing of the petition. The committed person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as set forth in this subsection and except that there shall be no right to jury trial. The issue to be determined at the hearing is whether or not the person may be conditionally released without substantial danger to other persons, or substantial likelihood of committing felonious acts jeopardizing public safety or security. If the court disapproves of the conditional release, it may do so only on the basis of substantial evidence. Pursuant to the determination of the court upon the hearing, the conditional release of the person shall be approved by the court on the same or modified conditions or the person shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he or she was committed, or otherwise in accordance with the provisions of this chapter.

(2) The hospital or facility designated to provide outpatient care or the secretary may modify the conditions for continued release when such modification is in the best interest of the person. Notification of such changes shall be sent to all persons receiving a copy of the original conditions.

(3) If the hospital or facility designated to provide outpatient care, the designated county mental health professional or the secretary determines that a conditionally released person is failing to adhere to the terms and conditions of his release, then, upon notification by the hospital or facility designated to provide outpatient care, or on his own motion, the designated county mental health professional or the secretary may order that the conditionally released person be apprehended and

taken into custody and temporarily detained in an evaluation and treatment facility in or near the county in which he is receiving outpatient treatment until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he had been conditionally released. The designated county mental health professional or the secretary may modify or rescind such order at any time prior to commencement of the court hearing. The court that originally ordered commitment shall be notified within two judicial days of a person's detention under the provisions of this section, and the designated county mental health professional or the secretary shall file his petition and order of apprehension and detention with the court and serve them upon the person detained. His attorney, if any, and his guardian or conservator, if any, shall receive a copy of such papers as soon as possible. Such person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as specifically set forth in this section and except that there shall be no right to jury trial. The issues to be determined shall be whether the conditionally released person did or did not adhere to the terms and conditions of his release; and, if he failed to adhere to such terms and conditions, whether the conditions of release should be modified or the person should be returned to the facility. Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he was committed for involuntary treatment, or otherwise in accordance with the provisions of this chapter. Such hearing may be waived by the person and his counsel and his guardian or conservator, if any, but shall not be waivable unless all such persons agree to waive, and upon such waiver the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

(4) The proceedings set forth in subsection (3) of this section may be initiated by the designated county mental health professional or the secretary on the same basis set forth therein without requiring or ordering the apprehension and detention of the conditionally released person, in which case the court hearing shall take place in not less than fifteen days from the date of service of the petition upon the conditionally released person.

Upon expiration of the period of commitment, or when the person is released from outpatient care, notice in writing to the court which committed the person for treatment shall be provided. [1986 c 67 § 6; 1979 ex.s. c 215 § 16; 1974 ex.s. c 145 § 24; 1973 1st ex.s. c 142 § 39.]

**71.05.390 Confidential information and records—**  
**Disclosure.** The fact of admission and all information and records compiled, obtained, or maintained in the

course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his guardian, must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person, not employed by the facility, who does not have the medical responsibility for the patient's care or who is not a designated county mental health professional or who is not involved in providing services under the community mental health services act, chapter 71.24 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.

(3) When the person receiving services, or his guardian, designates persons to whom information or records may be released, or if the person is a minor, when his parents make such designation.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled.

(5) For program evaluation and/or research: *Provided*, That the secretary of social and health services adopts rules for the conduct of such evaluation and/or research. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, \_\_\_\_\_, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ \_\_\_\_\_ "

(6) To the courts as necessary to the administration of this chapter.

(7) To law enforcement officers, public health officers, or personnel of the department of corrections or the board of prison terms and paroles for persons who are the subject of the records and who are committed to the custody of the department of corrections or board of prison terms and paroles which information or records are necessary to carry out the responsibilities of their office: *Provided*, That

(a) Only the fact, place, and date of involuntary admission, the fact and date of discharge, and the last known address shall be disclosed upon request; and

(b) The law enforcement and public health officers or personnel of the department of corrections or board of prison terms and paroles shall be obligated to keep such information confidential in accordance with this chapter; and

(c) Additional information shall be disclosed only after giving notice to said person and his counsel and upon a showing of clear, cogent and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained: *Provided however*, That in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained. [1986 c 67 § 8; 1985 c 207 § 1; 1983 c 196 § 4; 1979 ex.s. c 215 § 17; 1975 1st ex.s. c

199 § 10; 1974 ex.s. c 145 § 27; 1973 1st ex.s. c 142 § 44.]

## Chapter 71.12

### PRIVATE ESTABLISHMENTS

#### Sections

71.12.485 Fire protection—Duties of director of community development.

**71.12.485 Fire protection—Duties of director of community development.** Standards for fire protection and the enforcement thereof, with respect to all establishments to be licensed hereunder, shall be the responsibility of the director of community development, through the director of fire protection, who shall adopt such recognized standards as may be applicable to such establishments for the protection of life against the cause and spread of fire and fire hazards. The department of social and health services, upon receipt of an application for a license, or renewal of a license, shall submit to the director of community development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the director of community development, through the director of fire protection, or his or her deputy shall make an inspection of the establishment to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the director of community development, through the director of fire protection, he or she shall promptly make a written report to the establishment and the department of social and health services as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department of social and health services, applicant or licensee shall notify the director of community development, through the director of fire protection, upon completion of any requirements made by him or her, and the state fire marshal or his or her deputy shall make a reinspection of such premises. Whenever the establishment to be licensed meets with the approval of the director of community development, through the director of fire protection, he or she shall submit to the department of social and health services a written report approving same with respect to fire protection before a full license can be issued. The director of community development, through the director of fire protection, shall make or cause to be made inspections of such establishments at least annually. The department of social and health services shall not license or continue the license of any establishment unless and until it shall be approved by the director of community development, through the director of fire protection, as herein provided.

In cities which have in force a comprehensive building code, the provisions of which are determined by the director of community development, through the director of fire protection, to be equal to the minimum standards

of the director of community development, through the director of fire protection, for such establishments, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the director of community development, through the director of fire protection, or his or her deputy, and they shall jointly approve the premises before a full license can be issued. [1986 c 266 § 122; 1979 c 141 § 135; 1959 c 224 § 1.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

## Chapter 71.24

### COMMUNITY MENTAL HEALTH SERVICES ACT

#### Sections

71.24.015	Legislative intent. (Effective July 1, 1987.)
71.24.025	Definitions. (Effective July 1, 1987.)
71.24.035	Secretary's powers and duties as state mental health authority, county authority. (Effective July 1, 1987.)
71.24.039	Identification by department—Children's mental health services.
71.24.045	County authority powers and duties. (Effective July 1, 1987.)
71.24.049	Identification by county authority—Children's mental health services.
71.24.155	Grants to counties—Accounting. (Effective July 1, 1987.)
71.24.260	Waiver of postgraduate educational requirements.
71.24.902	Construction.

**71.24.015 Legislative intent. (Effective July 1, 1987.)** It is the intent of the legislature to establish a community mental health program which provides for:

(1) Access to mental health services for adults and children of the state who are acutely mentally ill, seriously disturbed, or chronically mentally ill, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. It is also the purpose of this chapter to ensure that children in need of mental health care and treatment receive the care and treatment appropriate to their developmental level, and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of services through state-wide standards for management, monitoring, and reporting of information;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill;

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which may also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health

services to adults and children. [1986 c 274 § 1; 1982 c 204 § 2.]

**Effective date**—1986 c 274 §§ 1, 2, 3, 5, 9: "Sections 1, 2, 3, 5, and 9 of this act shall take effect on July 1, 1987." [1986 c 274 § 11.] Sections 1, 2, 3, 5, and 9 are the amendments by 1986 c 274 to RCW 71.24.015, 71.24.025, 71.24.035, 71.24.045, and 71.24.155, respectively.

**71.24.025 Definitions. (Effective July 1, 1987.)** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020(2) or, in the case of a child, as defined in RCW 71.34.020(12);

(b) Being gravely disabled as defined in RCW 71.05.020(1) or, in the case of a child, as defined in RCW 71.34.020(8); or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020(3) or, in the case of a child, as defined in RCW 71.34.020(11).

(2) "Available resources" means those funds which shall be appropriated under this chapter by the legislature during any biennium for the purpose of providing community mental health programs under RCW 71.24.045.

(3) "Licensed service provider" means an entity licensed by the department according to state minimum standards or individuals licensed under chapter 18.71, 18.83, or 18.88 RCW.

(4) "Child" means a person under the age of eighteen years.

(5) "Chronically mentally ill person" means a child or adult who has a mental disorder, in the case of a child as defined by chapter 71.34 RCW, and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years or, in the case of a child, has been placed by the department or its designee two or more times outside of the home, where the placements are related to a mental disorder, as defined in chapter 71.34 RCW, and where the placements progress toward a more restrictive setting. Placements by the department include but are not limited to placements by child protective services and child welfare services;

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year;

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended, and shall include school attendance in the case of a child; or

(d) In the case of a child, has been subjected to continual distress as indicated by repeated physical or sexual abuse or neglect.

(6) "Community mental health program" means all mental health services established by a county authority.



(7) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

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

(9) "Mental health services" means community services pursuant to RCW 71.24.035(5)(b) and other services provided by the state for the mentally ill.

(10) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (5), and (12) of this section.

(11) "Residential services" means a facility or distinct part thereof which provides food, clothing, and shelter, and may include day treatment services as defined in RCW 71.24.045, for acutely mentally ill, chronically mentally ill, or seriously disturbed persons as defined in this section. Such facilities include, but are not limited to, congregate care facilities providing mental health client services as stipulated by contract with the department beginning January 1, 1982.

(12) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(13) "Secretary" means the secretary of social and health services.

(14) "State minimum standards" means: (a) Minimum requirements for management and delivery of mental health services as established by departmental rules and necessary to implement this chapter, including but not limited to county administration, licensing service providers, information, accountability, contracts, and services; and (b) minimum service requirements for licensed service providers for the provision of mental health services as established by departmental rules pursuant to chapter 34.04 RCW as necessary to implement this chapter, including, but not limited to: Qualifications for staff providing services directly to mentally ill persons; the intended result of each service for those priority groups identified in RCW 71.24.035(5)(b); and the rights and responsibilities of persons receiving mental health services pursuant to this chapter. [1986 c 274 § 2; 1982 c 204 § 3.]

**Effective date**—1986 c 274 §§ 1, 2, 3, 5, 9: See note following RCW 71.24.015.

**71.24.035 Secretary's powers and duties as state mental health authority, county authority.** (Effective July 1, 1987.) (1) The department is designated as the state mental health authority.

(2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.

(3) The secretary shall provide for participation in developing the state mental health program for children by including children's representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;

(b) Assure that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) the chronically mentally ill; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Consultation and education services; and

(F) Community support services for acutely and chronically mentally ill persons which include: (I) Discharge planning for clients leaving state mental hospitals, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (II) sufficient contacts with clients, families, schools, or significant others to provide for an effective program of community maintenance; and (III) medication monitoring.

(c) Develop and promulgate rules establishing state minimum standards for the management and delivery of mental health services including, but not limited to:

(i) Licensed service providers;

(ii) County administration;

(iii) Information required to assure accountability of services delivered to the mentally ill; and

(iv) Residential and inpatient services, if a county chooses to provide such optional services;

(d) Assure coordination of services consistent with state minimum standards for individuals who are released from a state hospital into the community to assure a continuum of care;

(e) Assure that the special needs of minorities, the elderly, disabled, and low-income persons are met within the priorities established in subsection (5)(b) of this section;

(f) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used by the counties;

(g) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers;

(h) Develop and maintain an information system to be used by the state and counties which shall include a tracking method which allows the department to identify mental health clients' participation in any mental health service or public program. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440;

(i) License service providers who meet state minimum standards;

(j) Establish criteria to evaluate the performance of counties in administering mental health programs as established under this chapter. Evaluation of community mental health services shall include all categories of illnesses treated, all types of treatment given, the number of people treated, and costs related thereto; and

(k) Prior to September 1, 1982, adopt such rules as are necessary to implement this chapter pursuant to chapter 34.04 RCW: *Provided*, That such rules shall be submitted to the appropriate committees of the legislature for review and comment prior to adoption.

(6) The secretary shall use available resources appropriated specifically for community mental health programs only for programs under RCW 71.24.045.

(7) The department shall propose in its biennial budget document the formulas used to distribute available resources to county authorities for the priorities listed in subsection (5)(b) of this section. The formula shall be based on the needs assessment required by RCW 71.24.045(1). [1986 c 274 § 3; 1982 c 204 § 4.]

**Effective date**—1986 c 274 §§ 1, 2, 3, 5, 9: See note following RCW 71.24.015.

**71.24.039 Identification by department—Children's mental health services.** By November 1, 1986, the department shall identify: (1) The number of children in each priority group, as defined by this chapter, who are receiving mental health services funded in part or in whole under this chapter, (2) the total amount of funds under this chapter used for children's mental health services, (3) an estimate of the number of unserved children in each priority group, and (4) the estimated cost of serving these additional children and their families. [1986 c 274 § 4.]

**71.24.045 County authority powers and duties.** (Effective July 1, 1987.) The county authority shall:

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents who are acutely mentally ill, chronically mentally ill, or seriously disturbed. The county program shall provide:

(a) Outpatient services;

(b) Emergency care services for twenty-four hours per day;

(c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;

(e) Consultation and education services;

(f) Residential and inpatient services, if the county chooses to provide such optional services; and

(g) Community support services for acutely and chronically mentally ill persons which include: (i) Discharge planning for clients leaving state mental hospitals, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (ii) sufficient contacts with clients, schools, families, or significant others to provide for an effective program of community maintenance; and (iii) medication monitoring.

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost

effective. Whenever a county authority chooses to operate as a licensed service provider, the secretary shall act as the county authority for that service.

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of management and service delivery as established by the department;

(5) Assure that the special needs of minorities, the elderly, disabled, and low-income persons are met within the priorities established in RCW 71.24.035(5)(b);

(6) Maintain patient tracking information in a central location for the chronically mentally ill;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: *Provided*, That county authorities serving a county or combination of counties whose population is equal to or greater than that of a county of the first class may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital. [1986 c 274 § 5; 1982 c 204 § 5.]

**Effective date**—1986 c 274 §§ 1, 2, 3, 5, 9: See note following RCW 71.24.015.

**71.24.049 Identification by county authority—Children's mental health services.** By January 1, 1987, and each odd-numbered year thereafter, the county authority shall identify: (1) The number of children in each priority group, as defined by this chapter, who are receiving mental health services funded in part or in whole under this chapter, (2) the amount of funds under this chapter used for children's mental health services, (3) an estimate of the number of unserved children in each priority group, and (4) the estimated cost of serving these additional children and their families. [1986 c 274 § 6.]

**71.24.155 Grants to counties—Accounting.** (Effective July 1, 1987.) Grants shall be made by the department to counties for community mental health programs totaling not less than ninety-five percent of available resources. The department may use up to forty percent of the remaining five percent to provide community demonstration projects, including early intervention or primary prevention programs for children, and the remainder shall be for emergency needs and technical assistance under this chapter. The department shall provide a biennial accounting of the use of these funds to

the ways and means committees of the senate and the house of representatives. [1986 c 274 § 9; 1982 c 204 § 9.]

**Effective date**—1986 c 274 §§ 1, 2, 3, 5, 9: See note following RCW 71.24.015.

**71.24.260 Waiver of postgraduate educational requirements.** The department shall waive postgraduate educational requirements applicable to mental health professionals under this chapter for those persons who have a bachelor's degree and on June 11, 1986:

(1) Are employed by an agency subject to licensure under this chapter, the community mental health services act, in a capacity involving the treatment of mental illness; and

(2) Have at least ten years of full-time experience in the treatment of mental illness. [1986 c 274 § 10.]

**71.24.902 Construction.** Nothing in this chapter shall be construed as prohibiting the secretary from consolidating within the department children's mental health services with other departmental services related to children. [1986 c 274 § 7.]

## Title 72

### STATE INSTITUTIONS

#### Chapters

- 72.01 Administration.**  
**72.09 Department of corrections (Corrections Reform Act of 1981).**  
**72.33 State residential schools—Residential placement, etc.**  
**72.65 Work release program.**

#### Chapter 72.01

#### ADMINISTRATION

#### Sections

- 72.01.045 Institutional care employees—Reimbursement for costs resulting from assaults by residents, patients, or juvenile offenders.**

**72.01.045 Institutional care employees—Reimbursement for costs resulting from assaults by residents, patients, or juvenile offenders.** (1) For purposes of this section only, "assault" means an unauthorized touching of an employee by a resident, patient, or juvenile offender resulting in physical injury to the employee.

(2) In recognition of the hazardous nature of employment in state institutions, the legislature hereby provides a supplementary program to reimburse institutional care employees of the department of social and health services for some of their costs attributable to their being the victims of assault by residents, patients, or juvenile offenders. This program shall be limited to the reimbursement provided in this section.

(3) An employee is only entitled to receive the reimbursement provided in this section if the secretary of social and health services, or the secretary's designee, finds that each of the following has occurred:

(a) A resident or patient has assaulted the employee and as a result thereof the employee has sustained demonstrated physical injuries which have required the employee to miss days of work;

(b) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment; and

(c) The department of labor and industries has approved the employee's workers' compensation application pursuant to chapter 51.32 RCW.

(4) The reimbursement authorized under this section shall be as follows:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed;

(b) For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(5) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury.

(6) The employee shall not be entitled to the reimbursement provided in subsection (4) of this section for any workday for which the secretary or secretary's designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(7) The reimbursement shall only be made for absences which the secretary or secretary's designee, believes are justified.

(8) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(10) All reimbursement payments required to be made to employees under this section shall be made by the department of social and health services. The payments shall be considered as a salary or wage expense and shall be paid by the department in the same manner and from the same appropriations as other salary and wage expenses of the department.

(11) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right. [1986 c 269 § 4.]

**Reviser's note:** Subsection (9) of this section was vetoed by the governor.

## Chapter 72.09

### DEPARTMENT OF CORRECTIONS (CORRECTIONS REFORM ACT OF 1981)

#### Sections

72.09.050	Powers and duties of secretary.
72.09.100	Inmate work program—Types of industries, programs.
72.09.102	Use and purchase of commodities produced by correctional systems—Plans—Legislative review.
72.09.110	Inmates' wages—Supporting cost of corrections—Crime victims' compensation, restitution, family support.

**72.09.050 Powers and duties of secretary.** The secretary shall manage the department of corrections and shall be responsible for the administration of adult correctional programs, including but not limited to the operation of all state correctional institutions or facilities used for the confinement of convicted felons. In addition, the secretary shall have broad powers to enter into agreements with any federal agency, or any other state, or any Washington state agency or local government providing for the operation of any correctional facility or program for persons convicted of felonies or misdemeanors or for juvenile offenders. The agreements may provide for joint operation or operation by the department of corrections, alone, or by any of the other governmental entities, alone. The secretary may employ persons to aid in performing the functions and duties of the department. The secretary may delegate any of his functions or duties to department employees. The secretary is authorized to promulgate standards for the department of corrections within appropriation levels authorized by the legislature.

Pursuant to the authority granted in chapter 34.04 RCW, the secretary shall adopt rules providing for inmate restitution when restitution is determined appropriate as a result of a disciplinary action. [1986 c 19 § 1; 1981 c 136 § 5.]

**72.09.100 Inmate work program—Types of industries, programs.** It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) **CLASS I: FREE VENTURE INDUSTRIES.** The industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage not less than sixty percent of the approximate prevailing

wage within the state for the occupation, as determined by the director of the institutional industries division. If the director finds that he cannot reasonably determine the wage, then the pay shall not be less than the federal minimum wage.

(2) **CLASS II: TAX REDUCTION INDUSTRIES.** Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations. The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies and to nonprofit organizations: *Provided*, That to avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

Security and custody services shall be provided without charge by the department of corrections.

Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the federal minimum wage and which is approved by the director of institutional industries.

(3) **CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.** Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(a) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within institutional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(b) Whenever possible, to provide forty hours of work or work training per week.

(c) Whenever possible, to offset tax and other public support costs.

Supervising, management, and custody staff shall be employees of the department.

All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) **CLASS IV: COMMUNITY WORK INDUSTRIES.** Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the minimum wage for their work.

(5) **CLASS V: COMMUNITY SERVICE PROGRAMS.** Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an offender, placed on community supervision, to work off all or part of a community service order as ordered by the sentencing court.

Employment shall be in a community service program operated by the state, local units of government, or a nonprofit agency.

To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs. [1986 c 193 § 2; 1985 c 151 § 1; 1983 c 255 § 5; 1981 c 136 § 11.]

**Severability—1983 c 255:** See RCW 72.74.900.

*Fish and game projects in prison work programs subject to RCW 72.09.100: RCW 72.63.020.*

**72.09.102 Use and purchase of commodities produced by correctional systems—Plans—Legislative review.** The department of corrections and department of general administration shall develop the following for legislative review: (1) A plan for production within the department of corrections of one or more commodities not currently being produced within the department for use within all state institutions and which may be sold to state correctional systems in other states; (2) a plan for purchasing commodities produced by correctional systems located in other states to the degree the plan would be cost-effective and would involve reciprocal marketing agreements between the several states represented; and (3) a plan to purchase, where cost-effective, materials used in the production of prison-made goods jointly with prison industry programs in other states. The plans shall be submitted to the legislature by March, 1987. [1986 c 94 § 1.]

**72.09.110 Inmates' wages—Supporting cost of corrections—Crime victims' compensation, restitution, family support.** All inmates working in prison industries shall participate in the cost of corrections, including costs to develop and implement institutional industries

programs. The secretary shall develop a formula which can be used to determine the extent to which the wages of these inmates will be deducted for this purpose. The amount so deducted shall be placed in the general fund and shall be a reasonable amount which will not unduly discourage the incentive to work. The secretary may direct the state treasurer to deposit a portion of these moneys in the crime victims compensation account.

When the secretary finds it appropriate and not unduly destructive of the work incentive, the secretary shall also provide deductions for restitution, savings, and family support. [1986 c 162 § 1; 1981 c 136 § 12.]

Chapter 72.33

STATE RESIDENTIAL SCHOOLS—RESIDENTIAL PLACEMENT, ETC.

Sections

72.33.125 Services or facilities as alternative to state residential schools—Application—Determination of eligibility—Applications for alternative care—Criteria—Implementation—Reports to legislature.

72.33.125 Services or facilities as alternative to state residential schools—Application—Determination of eligibility—Applications for alternative care—Criteria—Implementation—Reports to legislature. (1) In order to provide ongoing points of contact with the handicapped individual and his family so that they may have a place of entry for state services and return to the community as the need may appear; to provide a link between those individuals and services of the community and state operated services so that the individuals with handicapping conditions and their families may have access to the facilities best suited to them throughout the life of the individual; to offer viable alternatives to state residential school admission; and to encourage the placement of persons from state residential schools, the secretary of social and health services or his designee, pursuant to rules and regulations of the department, shall receive applications of persons for care, treatment, hospitalization, support, training, or rehabilitation provided by state programs or services for the handicapped. Written applications shall be submitted in accordance with the following requirements:

(a) In the case of a minor person, the application shall be made by his parents or by the parent, guardian, limited guardian where so authorized, person or agency legally entitled to custody, which application shall be in the form and manner required by the department; and

(b) In the case of an adult person, the application shall be made by such person, by his or her guardian, or limited guardian where so authorized, or agency legally entitled to custody, which application shall be in the form and manner required by the department.

(2) Upon receipt of the written application the secretary shall determine if the individual to receive services has a handicapping condition as defined in RCW 72.33-.020 qualifying him for services. In order to determine

eligibility for services, the secretary may require a supporting affidavit of a physician or a clinical psychologist, or one of each profession, certifying that the individual is handicapped as herein defined.

(3) After determination of eligibility because of a handicapping condition, the secretary shall determine the necessary services to be provided for the individual. Individuals may be temporarily admitted, for a period not to exceed thirty days, to departmental residential facilities for observation prior to determination of needed services, where such observation is necessary to determine the extent and necessity of services to be provided.

(4) The secretary shall annually advise the persons specified in subsection (1) (a) or (b) of this section that they may, by application, propose program and placement alternatives for care, treatment, hospitalization, support, training, or rehabilitation of the handicapped person: *Provided*, That current appropriations are sufficient to implement alternative services without reducing services to existing clients.

(5) Upon receipt of an application for alternative care, the secretary shall consult with the applicant and within ninety days of the application determine whether the following criteria are met:

(a) That the alternative plan proposes a less dependent program than the current services provide;

(b) That the alternative plan is appropriate under the goals and objectives of the individual program plan;

(c) That the alternative plan is not in violation of applicable state and federal law; and

(d) That necessary services can reasonably be made available.

(6) If the alternative plan meets all the criteria of subsection (5) of this section, it shall be implemented as soon as reasonable, but not later than one hundred twenty days after completion of the determination process, unless the secretary determines:

(a) That the alternative plan is more costly than the current plan; or

(b) Current appropriations are not sufficient to implement alternative services without reducing services to existing clients; or

(c) The alternative plan would take precedent over other priority placements.

(7) The secretary shall by July 1st of each even-numbered year report to the legislature on the use of program options. The report shall include the number of persons applying for program options, the number denied and reasons, the number approved and implemented, the programs they transferred from and to, the costs and savings incurred, and the amounts and sources of funding used to finance program options services. The report shall also estimate use and funding for the next biennium. [1986 c 146 § 1; 1983 c 60 § 1; 1977 ex.s. c 80 § 57; 1975 1st ex.s. c 246 § 2.]

~~Purpose—Intent—Severability—1977 ex.s. c 80:~~ See notes following RCW 4.16.190.

## Chapter 72.65 WORK RELEASE PROGRAM

### Sections

- 72.65.090 Transportation, clothing, supplies, etc., for participants.  
72.65.100 Powers and duties of secretary—Rules and regulations—Cooperation of other state agencies directed.

**72.65.090 Transportation, clothing, supplies, etc., for participants.** The department may provide transportation for work release participants to the designated places of housing under the work release plan, and may supply suitable clothing and such other equipment, supplies and other necessities as may be reasonably needed for the implementation of the plans adopted for such participation from the community services revolving fund as established in RCW 9.95.360: *Provided*, That costs and expenditures incurred for this purpose may be deducted by the department from the earnings of the participants and deposited in the community services revolving fund. [1986 c 125 § 6; 1967 c 17 § 9.]

**72.65.100 Powers and duties of secretary—Rules and regulations—Cooperation of other state agencies directed.** The secretary is authorized to make rules and regulations for the administration of the provisions of this chapter to administer the work release program. In addition, the department shall:

- (1) Supervise and consult with work release participants;
- (2) Locate available employment or vocational training opportunities for qualified work release participants;
- (3) Effect placement of work release participants under the program;
- (4) Collect, account for and make disbursement from earnings of work release participants under the provisions of this chapter, including accounting for all inmate debt in the community services revolving fund. RCW 9.95.370 applies to inmates assigned to work/training release facilities who receive assistance as provided in RCW 9.95.310, 9.95.320, 72.65.050, and 72.65.090;
- (5) Promote public understanding and acceptance of the work release program.

All state agencies shall cooperate with the department in the administration of the work release program as provided by this chapter. [1986 c 125 § 7; 1981 c 136 § 112; 1979 c 141 § 280; 1967 c 17 § 10.]

Effective date—1981 c 136: See RCW 72.09.900.

## Title 74 PUBLIC ASSISTANCE

### Chapters

- 74.04** General provisions—Administration.  
**74.08** Eligibility generally—Standards of assistance—Old age assistance.  
**74.09** Medical care.  
**74.13** Child welfare services.

- 74.15** Agencies for care of children, expectant mothers, developmentally disabled.  
**74.34** Abuse of vulnerable adults.  
**74.46** Nursing home auditing and cost reimbursement act of 1980.

*Employment partnership program for public assistance recipients: Chapter 50.63 RCW.*

## Chapter 74.04 GENERAL PROVISIONS—ADMINISTRATION

### Sections

- 74.04.630 State supplementation to national program of supplemental security income—Contractual agreements with federal government.

**74.04.630 State supplementation to national program of supplemental security income—Contractual agreements with federal government.** The department shall enter into contractual agreements with the United States department of health, education and welfare, consistent with the provisions of Public Laws 92-603 and 93-66, and to be effective January 1, 1974, for the purpose of enabling the secretary of the department of health, education and welfare to perform administrative functions of state supplementation to the national supplemental security income program and the determination of medicaid eligibility on behalf of the state. The department is authorized to transfer and make payments of state funds to the secretary of the department of health, education and welfare as required by Public Laws 92-603 and 93-66: *Provided, however*, That such agreements shall be submitted for review and comment to the social and health services committees of the senate and house of representatives. The department of social and health services shall administer the state supplemental program as established in RCW 74.04.620. [1986 c 158 § 22; 1973 2nd ex.s. c 10 § 4.]

## Chapter 74.08 ELIGIBILITY GENERALLY—STANDARDS OF ASSISTANCE—OLD AGE ASSISTANCE

### Sections

- 74.08.541 Chore services defined—Eligibility—Limits.

**74.08.541 Chore services defined—Eligibility—Limits.** (1) "Chore services," as used in this chapter, means services in performing light work and household and other personal tasks which eligible persons are unable to do for themselves because of frailty or handicapping conditions.

(2) Persons eligible for chore services are adult individuals having resources less than a level determined by the department, and whose need for chore services and risk of being placed in a residential care facility have been determined by the department.

(a) Persons are eligible for the level or amount of services determined by the department under RCW 74.08-.545 if the persons are: (i) Adult recipients of

supplemental security income or state supplementation; (ii) eligible at the time their eligibility for chore services is determined or redetermined, for limited casualty program medical care as defined by RCW 74.09.010; or (iii) have an income at or below thirty percent of the state median income.

(b) For other persons, the department shall develop a scale which progressively reduces the level or amount of chore services provided by the department based on the ability of applicants and recipients to purchase the services. To determine the ability of applicants and recipients to purchase chore services, the department shall not consider income below thirty percent of the state median income.

(c) Effort shall be made to obtain chore services from volunteer chore service providers under the senior citizens services act, chapter 74.38 RCW, for those individuals at risk of being placed in a residential care facility and who are age sixty or over but eligible for five hours of chore services per month or less, rather than have those services provided by paid providers. Any individual at risk of being placed in a residential care facility and who is age sixty or over but not eligible for chore services or eligible for a reduced amount of service shall be referred to a volunteer chore service program under the senior citizens services act, chapter 74.38 RCW, where available for needed services not authorized by the department.

(d) Individuals determined by the department to be eligible for adult protective services are eligible to receive emergency chore services without regard to income if the services are essential to, and a subordinate part of, the adult protective services plan. Emergency chore services under adult protective services shall be provided only until the situation necessitating the services has stabilized, not to exceed ninety days.

(3) The department shall establish a monthly dollar lid on chore services expenditures as necessary to maintain such expenditures within the legislative appropriation. To maintain expenditures for chore services within the limits of funds appropriated for this purpose, the department may reduce the level or amount of services authorized below the level of need assessed pursuant to RCW 74.08.545 for some or all recipients, but the reductions shall be done in a manner which maintains state-wide uniformity of eligibility and service authorization standards and which considers the level of need for services and the degree of risk of being placed in a residential care facility of all applicants for, and recipients of, chore services. [1986 c 222 § 1; 1983 1st ex.s. c 41 § 39; 1981 1st ex.s. c 6 § 17.]

**Severability**—1983 1st ex.s. c 41: See note following RCW 26.09.060.

**Effective date**—**Severability**—1981 1st ex.s. c 6: See notes following RCW 74.04.005.

## Chapter 74.09 MEDICAL CARE

### Sections

74.09.522	Medical assistance—Agreements with managed health care systems required for services to recipients of aid to families with dependent children.
74.09.545	Medical assistance or limited casualty program—Eligibility—Agreements between spouses to transfer future income—Community income.

**74.09.522 Medical assistance—Agreements with managed health care systems required for services to recipients of aid to families with dependent children.** (1) For the purposes of this section, "managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under RCW 74.09.520 and rendered by licensed providers, on a prepaid capitated case management basis.

(2) No later than July 1, 1991, the department of social and health services shall enter into agreements with managed health care systems to provide health care services to recipients of aid to families with dependent children under the following conditions:

(a) Agreements shall be made within one class A county in the eastern part of the state for at least ten thousand recipients; and one class AA county for at least fifteen thousand recipients in the western part of the state; and one first class county of at least five thousand recipients in the western part of the state;

(b) At least one of the agreements shall include enrollment of all recipients of aid to families with dependent children residing in a defined geographical area;

(c) The department shall, to the extent possible, ensure that recipients have a choice of systems in which to enroll and, if necessary and medically appropriate treatment for a recipient is not available from or through a participating managed health care system, the department shall exempt the recipient from any requirement to receive some or all of their medical services from such a system;

(d) To the extent possible, the department shall ensure that participating managed health care systems do not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems;

(e) Prior to negotiating with any managed health care system, the department shall estimate, on an actuarially sound basis, the expected cost of providing the health care services expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different project areas. In negotiating with managed health care systems the department shall adopt a uniform procedure that includes at least request for proposals, including standards regarding the quality of services to be provided; and financial integrity of the responding system.



The department may negotiate with respondents to the extent necessary to refine any proposals;

(f) The department shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The department shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the department may enter into prepaid capitation contracts that do not include inpatient care;

(h) The department shall define those circumstances under which a managed health care system is responsible for out-of-system services and assure that recipients shall not be charged for such services; and

(i) Nothing in this section prevents the department from entering into similar agreements in additional counties or for other groups of people eligible to receive services under chapter 74.09 RCW.

The department shall seek to obtain a large number of contracts with providers of health services to medicaid recipients. The department shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate in the project as managed health care systems are seriously considered as providers in the project.

(3) The department shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs. [1986 c 303 § 2.]

**Legislative findings—Intent—1986 c 303:** "(1) The legislature finds that:

(a) Good health care for indigent persons is of importance to the state;

(b) To ensure the availability of a good level of health care, efforts must be made to encourage cost consciousness on the part of providers and consumers, while maintaining medical assistance recipients within the mainstream of health care delivery;

(c) Managed health care systems have been found to be effective in controlling costs while providing good health care services;

(d) By enrolling medical assistance recipients within managed health care systems, the state's goal is to ensure that medical assistance recipients receive at least the same quality of care they currently receive.

(2) It is the intent of the legislature to develop and implement new strategies that promote the use of managed health care systems for medical assistance recipients by establishing prepaid capitated programs for both in-patient and out-patient services." [1986 c 303 § 1.]

**74.09.545 Medical assistance or limited casualty program—Eligibility—Agreements between spouses to transfer future income—Community income.** (1) An agreement between spouses transferring or assigning rights to future income from one spouse to the other shall be invalid for purposes of determining eligibility for medical assistance or the limited casualty program for the medically needy, but this subsection does not affect agreements between spouses transferring or assigning resources, and income produced by transferred or assigned resources shall continue to be recognized as the separate income of the transferee; and

(2) In determining eligibility for medical assistance or the limited casualty program for the medically needy for a married person in need of institutional care, or care

under home and community based waivers as defined in Title XIX of the Social Security Act, if the community income received in the name of the nonapplicant spouse exceeds the community income received in the name of the applicant spouse, the applicant's interest in that excess shall be considered unavailable to the applicant. [1986 c 220 § 1.]

### Chapter 74.13

## CHILD WELFARE SERVICES

#### Sections

74.13.240 Implementation and enforcement of juvenile justice laws—Reports.

**74.13.240 Implementation and enforcement of juvenile justice laws—Reports.** See RCW 13.04.460.

### Chapter 74.15

## AGENCIES FOR CARE OF CHILDREN, EXPECTANT MOTHERS, DEVELOPMENTALLY DISABLED

#### Sections

74.15.050 Fire protection—Powers and duties of director of community development.

74.15.080 Access to agencies, records.

**74.15.050 Fire protection—Powers and duties of director of community development.** The director of community development, through the director of fire protection, shall have the power and it shall be his or her duty:

(1) In consultation with the children's services advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family homes and child-placing agencies, necessary to protect all persons residing therein from fire hazards;

(2) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes or child-placing agencies, as he or she deems necessary;

(3) To make a periodic review of requirements under RCW 74.15.030(6) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(4) To issue to applicants for licenses hereunder, other than foster-family homes or child-placing agencies, who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department of social and health services before a license shall be issued, except that a provisional license may be issued as provided in RCW 74.15.120. [1986 c 266 § 123; 1982 c 118 § 8; 1979 c 141 § 357; 1967 c 172 § 5.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**74.15.080 Access to agencies, records.** All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall accord the department of social and health services, the director of community development, and the director of fire protection, or their designees, the right of entrance and the privilege of access to and inspection of records for the purpose of determining whether or not there is compliance with the provisions of chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted thereunder. [1986 c 266 § 124; 1979 c 141 § 359; 1967 c 172 § 8.]

**Severability**—1986 c 266: See note following RCW 38.52.005.

### Chapter 74.34

#### ABUSE OF VULNERABLE ADULTS

##### Sections

74.34.030	Reports—Duty to make.
74.34.040	Reports—Contents—Identity confidential.
74.34.050	Immunity from liability.
74.34.100	Protection of vulnerable adults—Legislative findings.
74.34.110	Protection of vulnerable adults—Petition for protective order.
74.34.120	Protection of vulnerable adults—Hearing.
74.34.130	Protection of vulnerable adults—Judicial relief.
74.34.140	Protection of vulnerable adults—Execution of protective order.
74.34.150	Protection of vulnerable adults—Department may seek relief.
74.34.160	Protection of vulnerable adults—Proceedings are supplemental.
74.34.170	Services of department discretionary—Funding.
74.34.901	Severability—1986 c 187.

**74.34.030 Reports—Duty to make.** Any person, including but not limited to, financial institutions or attorneys, having reasonable cause to believe that a vulnerable adult has suffered abuse, exploitation, neglect, or abandonment, or is otherwise in need of protective services may report such information to the department. Any police officer, social worker, employee of the department, a social service, welfare, mental health, or health agency, congregate long-term care facility, or health care provider licensed under Title 18 RCW, including but not limited to doctors, nurses, psychologists, and pharmacists, having reasonable cause to believe that a vulnerable adult has suffered abuse, exploitation, neglect, or abandonment, shall make an immediate oral report of such information to the department and shall report such information in writing to the department within ten calendar days of receiving the information. [1986 c 187 § 1; 1984 c 97 § 9.]

**Effective date**—1984 c 97 § 9: "Section 9 of this act shall take effect on July 1, 1985." [1984 c 97 § 16.] Section 9 is codified as RCW 74.34.030.

**74.34.040 Reports—Contents—Identity confidential.** The reports made under RCW 74.34.030 shall contain the following information if known:

- (1) Identification of the vulnerable adult;
- (2) The nature and extent of the suspected abuse, neglect, exploitation, or abandonment;

(3) Evidence of previous abuse, neglect, exploitation, or abandonment;

(4) The name and address of the person making the report; and

(5) Any other helpful information.

Unless there is a judicial proceeding or the person consents, the identity of the person making the report is confidential. [1986 c 187 § 2; 1984 c 97 § 10.]

**74.34.050 Immunity from liability.** (1) A person participating in good faith in making a report under this chapter or testifying about the abuse, neglect, abandonment, or exploitation of a vulnerable adult in a judicial proceeding under this chapter is immune from liability resulting from the report or testimony. The making of permissive reports as allowed in RCW 74.34.030 does not create any duty to report and no civil liability shall attach for any failure to make a permissive report under RCW 74.34.030.

(2) Conduct conforming with the reporting and testifying provisions of this chapter shall not be deemed a violation of any confidential communication privilege. Nothing in this chapter shall be construed as superseding or abridging remedies provided in chapter 4.92 RCW. [1986 c 187 § 3; 1984 c 97 § 11.]

**74.34.100 Protection of vulnerable adults—Legislative findings.** The legislature finds that vulnerable adults, who are physically or emotionally abused or financially exploited may need the protection of the courts. The legislature further finds that many of these elderly persons may be homebound or otherwise may be unable to represent themselves in court or to retain legal counsel in order to obtain the relief available to them under this chapter. [1986 c 187 § 4.]

**74.34.110 Protection of vulnerable adults—Petition for protective order.** An action known as a petition for an order for protection of a vulnerable adult in cases of abuse or exploitation is created.

(1) A vulnerable adult may seek relief from abuse or exploitation, or the threat thereof, by filing a petition for an order for protection in superior court.

(2) A petition shall allege that the petitioner is a vulnerable adult and that the petitioner has been abused or exploited or is threatened with abuse or exploitation by respondent.

(3) A petition shall be accompanied by affidavit made under oath stating the specific facts and circumstances which demonstrate the need for the relief sought.

(4) A petition for an order may be made whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(5) A petitioner is not required to post bond to obtain relief in any proceeding under this section.

(6) An action under this section shall be filed in the county where the petitioner resides; except that if the petitioner has left the residence as a result of abuse or exploitation, or in order to avoid abuse or exploitation, the petitioner may bring an action in the county of either the previous or new residence. [1986 c 187 § 5.]

**74.34.120 Protection of vulnerable adults—Hearing.** The court shall order a hearing on a petition under RCW 74.34.110 not later than fourteen days from the date of filing the petition. Personal service shall be made upon the respondent not less than five court days before the hearing. If timely service cannot be made, the court may set a new hearing date. A petitioner may move for temporary relief under chapter 7.40 RCW. [1986 c 187 § 6.]

**74.34.130 Protection of vulnerable adults—Judicial relief.** The court may order relief as it deems necessary for the protection of the petitioner, including, but not limited to the following:

- (1) Restraining respondent from committing acts of abuse or exploitation;
- (2) Excluding the respondent from petitioner's residence for a specified period or until further order of the court;
- (3) Prohibiting contact by respondent for a specified period or until further order of the court;
- (4) Requiring an accounting by respondent of the disposition of petitioner's income or other resources;
- (5) Restraining the transfer of property for a specified period not exceeding ninety days;
- (6) Requiring the respondent to pay the filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee.

Any relief granted by an order for protection, other than a judgment for costs, shall be for a fixed period not to exceed one year. [1986 c 187 § 7.]

**74.34.140 Protection of vulnerable adults—Execution of protective order.** When an order for protection under RCW 74.34.130 is issued upon request of the petitioner, the court may order a peace officer to assist in the execution of the order of protection. [1986 c 187 § 8.]

**74.34.150 Protection of vulnerable adults—Department may seek relief.** The department of social and health services, in its discretion, may seek relief under RCW 74.34.110 through 74.34.140 on behalf of and with the consent of any vulnerable adult. Neither the department of social and health services nor the state of Washington shall be liable for failure to seek relief on behalf of any persons under this section. [1986 c 187 § 9.]

**74.34.160 Protection of vulnerable adults—Proceedings are supplemental.** Any proceeding under RCW 74.34.110 through 74.34.150 is in addition to any other civil or criminal remedies. [1986 c 187 § 11.]

**74.34.170 Services of department discretionary—Funding.** The provision of services under RCW 74.34.030, 74.34.040, 74.34.050, and 74.34.100 through 74.34.160 are discretionary and the department shall not be required to expend additional funds beyond those appropriated. [1986 c 187 § 10.]

**74.34.901 Severability—1986 c 187.** 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. [1986 c 187 § 12.]

## Chapter 74.46

### NURSING HOME AUDITING AND COST REIMBURSEMENT ACT OF 1980

#### Sections

74.46.360	Depreciation base.
74.46.410	Unallowable costs.

**74.46.360 Depreciation base.** (1) The depreciation base shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction and preparing it for use, less goodwill, and less accumulated depreciation which has been incurred during periods that the assets have been used in or as a facility by the contractor, such accumulated depreciation to be measured in accordance with subsections (2), (3), and (4) of this section and RCW 74.46.350 and 74.46.370. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The depreciation base of the assets will not exceed such fair market value.

(2) The historical cost of donated assets, or of assets received through testate or intestate distribution, shall be the lesser of:

- (a) Fair market value at the date of donation or death; or
- (b) The historical cost base of the owner last contracting with the department, if any.

(3) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(4) (a) Where depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) The provisions of (a) of this subsection shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new depreciation base for such acquisitions shall not exceed the fair market value of the assets as determined

by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious. This subsection is inoperative for any transfer of ownership of any asset occurring on or after July 18, 1984, leaving (a) of this subsection to apply alone to such transfers: *Provided, however,* That this subsection shall apply to transfers of ownership of assets occurring prior to January 1, 1985, if the costs of such assets have never been reimbursed under medicaid cost reimbursement on an owner-operated basis or as a related-party lease.

(c) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(d) Where the depreciable asset is a donation or distribution between related organizations, the base shall be the lesser of (i) fair market value, less salvage value, or (ii) the depreciation base the related organization had or would have had for the asset under a contract with the department. [1986 c 175 § 1; 1980 c 177 § 36.]

**Effective dates**—1980 c 177: See RCW 74.46.901.

**74.46.410 Unallowable costs.** (1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after the effective date of RCW 74.46.530;

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or in violation of principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(r) Fund-raising expenses, except those directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses of maintaining professional licenses or membership in professional organizations;

(bb) Costs related to agreements not to compete;

(cc) Amortization of goodwill;

(dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is

rendered in favor of the department or where otherwise the determination of the department stands;

(ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) All rental or lease costs other than those provided in RCW 74.46.300 on and after the effective date of RCW 74.46.510 and 74.46.530. [1986 c 175 § 3; 1983 1st ex.s. c 67 § 17; 1980 c 177 § 41.]

## Title 75

### FOOD FISH AND SHELLFISH

#### Chapters

- 75.20** Construction projects in state waters.  
**75.28** Commercial licenses.  
**75.30** License limitation programs.

#### Chapter 75.20

#### CONSTRUCTION PROJECTS IN STATE WATERS

##### Sections

- 75.20.050 Review of permit applications to divert or store water—Water flow policy.  
 75.20.100 Hydraulic projects or other work—Plans and specifications—Approval—Criminal penalty—Emergencies.  
 75.20.103 Hydraulic projects or other work for irrigation or stock watering—Plans and specifications—Approval—Criminal penalty—Emergencies.  
 75.20.106 Hydraulic projects—Civil penalty.  
 75.20.130 Hydraulic appeals board—Members—Jurisdiction.  
 75.20.140 Hydraulic appeals board—Procedures.

**75.20.050 Review of permit applications to divert or store water—Water flow policy.** It is the policy of this state that a flow of water sufficient to support game fish and food fish populations be maintained at all times in the streams of this state.

The director of ecology shall give the director of fisheries and the director of game notice of each application for a permit to divert or store water. The director of fisheries and director of game have thirty days after receiving the notice to state their objections to the application. The permit shall not be issued until the thirty-day period has elapsed.

The director of ecology may refuse to issue a permit if, in the opinion of the director of fisheries or director of game, issuing the permit might result in lowering the flow of water in a stream below the flow necessary to adequately support food fish and game fish populations in the stream.

The provisions of this section shall in no way affect existing water rights. [1986 c 173 § 7; 1983 1st ex.s. c 46 § 71; 1955 c 12 § 75.20.050. Prior: 1949 c 112 § 46; Rem. Supp. 1949 § 5780–320.]

**75.20.100 Hydraulic projects or other work—Plans and specifications—Approval—Criminal penalty—Emergencies.** In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department of fisheries or the department of game as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. The department of fisheries or the department of game shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department of fisheries or the department of game shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If either the department of fisheries or the department of game denies approval, that department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.04 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department of fisheries or the department of game as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully

complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For the purposes of this section and RCW 75.20.103, "bed" shall mean the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

The phrase "to construct any form of hydraulic project or perform other work" shall not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

For each application, the department of fisheries and the department of game shall mutually agree on whether the department of fisheries or the department of game shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If the department of fisheries or the department of game receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department of fisheries or department of game, through their authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency situation.

This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes. These irrigation or stock watering diversion projects shall be governed by RCW 75.20.103. [1986 c 173 § 1; 1983 1st ex.s. c 46 § 75; 1975 1st ex.s. c 29 § 1; 1967 c 48 § 1; 1955 c 12 § 75.20.100. Prior: 1949 c 112 § 49; Rem. Supp. 1949 § 5780-323.]

**75.20.103 Hydraulic projects or other work for irrigation or stock watering—Plans and specifications—Approval—Criminal penalty—Emergencies.** In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes and when the construction or other work will use, divert, obstruct, or change the natural flow or bed of any river or stream or will

utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department of fisheries or the department of game as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. The department of fisheries or the department of game shall grant or deny the approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for an approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay.

Immediately upon determination that the forty-five day period is suspended, the department of fisheries or the department of game shall notify the applicant in writing of the reasons for the delay.

An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the approval.

The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If either the department of fisheries or the department of game denies approval, that department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision. The burden shall be upon the department of fisheries or the department of game to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.

The department granting approval may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective unless appealed to the hydraulic appeals board within thirty days from the notice of the proposed modification. The burden is on the department issuing the approval to show that changed conditions warrant the modification in order to protect fish life.

A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. A decision by the department that issued the approval may be appealed to the hydraulic appeals board within thirty days of the notice of the decision. The burden is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.

If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department of fisheries or the department of game as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For each application, the department of fisheries and the department of game shall mutually agree on whether the department of fisheries or the department of game shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If the department of fisheries or the department of game receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department of fisheries or department of game, through their authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section. [1986 c 173 § 2.]

**75.20.106 Hydraulic projects—Civil penalty.** The department of fisheries and the department of game may each levy civil penalties of up to one hundred dollars per day for violation of any provisions of RCW 75.20.100 or 75.20.103. The penalty provided shall be imposed by notice in writing, either by certified mail or personal service to the person incurring the penalty, from the director of the appropriate department or that director's designee describing the violation. Any person incurring any penalty under this chapter may appeal the same under chapter 34.04 RCW to the director of the department

levying the penalty. Appeals shall be filed within thirty days of receipt of notice imposing any penalty. The penalty imposed shall become due and payable thirty days after receipt of a notice imposing the penalty unless an appeal is filed. Whenever an appeal of any penalty incurred under this chapter is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

If the amount of any penalty is not paid within thirty days after it becomes due and payable the attorney general, upon the request of the director of the department of fisheries or the department of game shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action. All penalties recovered under this section shall be paid into the state's general fund. [1986 c 173 § 6.]

**75.20.130 Hydraulic appeals board—Members—Jurisdiction.** (1) There is hereby created within the environmental hearings office under RCW 43.21B-.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's designee of the department whose action is appealed under subsection (6) of this section. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by either the department of fisheries or the department of game under the authority granted in RCW 75.20.103 for the diversion of water for agricultural irrigation or stock watering purposes.

(6) (a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 75.20.103 may seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases. [1986 c 173 § 4.]

**75.20.140 Hydraulic appeals board—Procedures.**

(1) In all appeals over which the hydraulic appeals board has jurisdiction, a party taking an appeal may elect either a formal or informal hearing. Such election shall be made according to the rules of practice and procedure to be adopted by the hydraulic appeals board. In the event that appeals are taken from the same decision, order, or determination, by different parties and only one of such parties elects a formal hearing, a formal hearing shall be granted.

(2) In all appeals, the hydraulic appeals board shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions but such powers shall be exercised in conformity with chapter 34.04 RCW.

(3) In all appeals involving a formal hearing, the hydraulic appeals board, and each member thereof, 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.

(4) All proceedings, including both formal and informal hearings, before the hydraulic appeals board or any of its members shall be conducted in accordance with such rules of practice and procedure as the board may prescribe. Such rules shall be published and distributed.

(5) Judicial review of a decision of the hydraulic appeals board shall be de novo except when the decision has been rendered pursuant to the formal hearing, in which event judicial review may be obtained only pursuant to RCW 34.04.130 and 34.04.140. [1986 c 173 § 5.]

**Chapter 75.28****COMMERCIAL LICENSES**

## Sections

75.28.014 Application deadlines for types of gear and licensing districts.

*Commercial Puget Sound whiting license endorsement: RCW 75.30.160.*

**75.28.014 Application deadlines for types of gear and licensing districts.** (1) The department may establish by rule license application deadlines for types of gear and licensing districts. An applicant for a commercial salmon fishing license shall submit a license application in accordance with this subsection.

(a) If an application is postmarked or personally delivered to the department in Olympia by the application deadline, it shall be accompanied by the prescribed license fee.

(b) If an application is postmarked or personally delivered to the department in Olympia after the application deadline, it shall be accompanied by the prescribed license fee and a late application fee of two hundred dollars.

(2) Columbia River smelt license applications accompanied by the license fee shall be made in person or postmarked by January 10 of the license year. [1986 c 198 § 8; 1983 1st ex.s. c 46 § 103; 1981 c 201 § 1; 1965 ex.s. c 57 § 1; 1959 c 309 § 4; 1957 c 171 § 3.]

[1986 RCW Supp—page 574]

**Chapter 75.30****LICENSE LIMITATION PROGRAMS**

## Sections

75.30.050	Advisory review boards.
75.30.121	Commercial salmon fishing licenses and delivery permits—Waiver of requirements due to actions by foreign government—Expiration of section.
75.30.125	Commercial salmon fishing licenses and delivery permits—Reversion to department following government confiscation of vessel.
75.30.150	Commercial Puget Sound whiting license endorsement—Legislative findings.
75.30.160	Commercial Puget Sound whiting license endorsement—Required in designated areas—Fees.
75.30.170	Commercial Puget Sound whiting license endorsement—Limitation on issuance.
75.30.180	Commercial Puget Sound whiting license endorsement—Transferable to family members.

**75.30.050 Advisory review boards.** (1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060. Members shall be from:

(a) The salmon charter boat fishing industry in cases involving salmon charter boat licenses or angler permits;

(b) The commercial salmon fishing industry in cases involving commercial salmon licenses;

(c) The commercial crab fishing industry in cases involving Puget Sound crab license endorsements;

(d) The commercial herring fishery in cases involving herring validations; and

(e) The commercial Puget Sound whiting fishery in cases involving Puget Sound whiting license endorsements.

(2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. [1986 c 198 § 7; 1983 1st ex.s. c 46 § 138; 1977 ex.s. c 106 § 5.]

**Legislative findings—Severability—1977 ex.s. c 106:** See notes following RCW 75.30.065.

**75.30.121 Commercial salmon fishing licenses and delivery permits—Waiver of requirements due to actions by foreign government—Expiration of section.** The director of the department of fisheries shall waive the landing and other permit requirements under RCW 75.30.120 if such requirements were not fulfilled by the license holder due to procedures initiated by a foreign government.

This section shall expire on December 31, 1986. [1986 c 198 § 1.]

**75.30.125 Commercial salmon fishing licenses and delivery permits—Reversion to department following government confiscation of vessel.** Any commercial salmon fishing license issued under RCW 75.28.110 or salmon delivery permit issued under RCW 75.28.113 shall revert to the department when any government confiscates and sells the vessel to which the license or permit was issued. Upon application of the person named on the license or permit and the approval of the director, the department shall transfer the license or permit to the original owner. Application for transfer of



the license or permit must be made within the calendar year in which the vessel was licensed. [1986 c 198 § 2.]

**75.30.150 Commercial Puget Sound whiting license endorsement—Legislative findings.** The legislature finds that maintaining a commercial whiting fishery in Puget Sound affects the public welfare. Excessive fishing for Puget Sound whiting, especially at the time of spawning, severely affects the abundance of whiting. The legislature further finds that as a result of increases in the number of vessels fishing for whiting, the amount of gear used in fishing, and the limited whiting resource, it is proper and necessary to limit the number of vessels and amount of gear used in taking whiting in Puget Sound. [1986 c 198 § 3.]

**75.30.160 Commercial Puget Sound whiting license endorsement—Required in designated areas—Fees.** In addition to any other license, a Puget Sound commercial whiting endorsement is required to take whiting in the waters of marine fish-shell fish management and catch reporting areas 24B, Port Susan; 24C, Saratoga Passage; 26A, Possession Sound; or any other area designated by the department. An annual endorsement fee is two hundred dollars for residents and four hundred dollars for nonresidents. The license shall be affixed to the licensed vessel. [1986 c 198 § 6.]

**75.30.170 Commercial Puget Sound whiting license endorsement—Limitation on issuance.** To obtain a Puget Sound commercial whiting endorsement, the owner of the vessel must have delivered at least fifty thousand pounds of whiting during the period from January 1, 1981, through February 22, 1985 as verified by fish delivery tickets and must have possessed, on January 1, 1986, all equipment necessary to fish for whiting. [1986 c 198 § 5.]

**75.30.180 Commercial Puget Sound whiting license endorsement—Transferable to family members.** Commercial Puget Sound whiting license endorsements issued under RCW 75.30.160 shall be valid for the owner and the vessel for which the endorsement was issued. The endorsement may be transferred through gift, devise, bequest or descent to members of the immediate family which shall be limited to spouse, children or stepchildren. Only a natural person may possess an endorsement. The owner of the endorsement must be present on any vessel taking whiting under terms of the endorsement. In no instance may temporary permits be issued.

The director may adopt rules necessary to implement RCW 75.30.150 through 75.30.180. [1986 c 198 § 4.]

**Title 76**

**FORESTS AND FOREST PRODUCTS**

**Chapters**

**76.04 Forest protection.**

**76.09 Forest practices.**  
**76.14 Forest rehabilitation.**

**Chapter 76.04  
FOREST PROTECTION**

Sections  
76.04.010

through 76.04.520 Repealed.

**ADMINISTRATION**

76.04.005 Definitions.  
76.04.015 Fire protection powers and duties of department.  
76.04.025 Federal funds.  
76.04.035 Wardens—Appointment—Duties.  
76.04.045 Rangers—Appointment—Ex officio rangers—Compensation.  
76.04.055 Service of notices.  
76.04.065 Arrests without warrants.  
76.04.075 Rules—Penalty.  
76.04.085 Penalty for violations.  
76.04.095 Cooperative protection.  
76.04.105 Contracts for protection and development.  
76.04.115 Articles of incorporation—Requirements.  
76.04.125 Requisites of contract.  
76.04.135 Cooperative agreements—Public agencies.  
76.04.145 Forest fire advisory board.  
76.04.155 Fire fighting—Employment—Assistance.

**PERMITS**

76.04.205 Burning permits.  
76.04.215 Burning mill wood waste—Arresters.  
76.04.235 Dumping mill waste, forest debris—Penalty.  
76.04.246 Use of blasting fuse.

**CLOSURES/SUSPENSIONS**

76.04.305 Closed to entry—Designation.  
76.04.315 Suspension of burning permits/privileges.  
76.04.325 Closure of forest operations or forest lands.

**FIRE PROTECTION REGULATION**

76.04.405 Steam, internal combustion, or electrical engines and other spark-emitting equipment regulated.  
76.04.415 Penalty for violations—Work stoppage notice.  
76.04.425 Unauthorized entry into sealed fire tool box.  
76.04.435 Deposit of fire or live coals.  
76.04.445 Reports of fire.  
76.04.455 Lighted material, etc.—Receptacles in conveyances.  
76.04.465 Certain snags to be felled currently with logging.  
76.04.475 Reimbursement for costs of suppression action.  
76.04.486 Escaped slash burns—Obligations.  
76.04.495 Negligent starting of fires—Existence of extreme fire hazard or forest debris—Liability for costs—Recovery.

**ASSESSMENTS, OBLIGATIONS, FUNDS**

76.04.600 Owners to protect forests.  
76.04.610 Forest fire protection assessment.  
76.04.620 State funds—Loans—Recovery of funds from the landowner contingency forest fire suppression account.  
76.04.630 Landowner contingency forest fire suppression account—Assessments.

**HAZARD ABATEMENT**

76.04.650 Disposal of forest debris—Permission to allow trees to fall on another's land.  
76.04.660 Additional fire hazards—Extreme fire hazard areas—Abatement, isolation or reduction—Summary action—Recovery of costs.

**FIRE REGULATION**

76.04.700 Failure to extinguish campfire.  
76.04.710 Wilful setting of fire.  
76.04.720 Removal of notices.  
76.04.730 Negligent fire—Spread.  
76.04.740 Reckless burning.

76.04.750 Uncontrolled fire a public nuisance—Suppression—  
Duties—Summary action—Recovery of costs.  
76.04.900 Captions—1986 c 100.

**76.04.010 through 76.04.520 Repealed.** RCW 76.04-.010, 76.04.020, 76.04.030, 76.04.050, 76.04.060, 76.04-.070, 76.04.080, 76.04.090, 76.04.100, 76.04.110, 76.04.120, 76.04.130, 76.04.140, 76.04.150, 76.04.170, 76.04.180, 76.04.190, 76.04.200, 76.04.210, 76.04.220, 76.04.222, 76.04.240, 76.04.242, 76.04.245, 76.04.251, 76.04.252, 76.04.270, 76.04.273, 76.04.275, 76.04.277, 76.04.280, 76.04.290, 76.04.300, 76.04.310, 76.04.340, 76.04.350, 76.04.360, 76.04.370, 76.04.380, 76.04.385, 76.04.390, 76.04.395, 76.04.400, 76.04.410, 76.04.420, 76.04.430, 76.04.440, 76.04.490, 76.04.500, 76.04.510, 76.04.515, and 76.04.520 are repealed. See Supplementary Table of Disposition of Former RCW Sections, this volume.

### ADMINISTRATION

**76.04.005 Definitions.** As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Additional fire hazard" means a condition existing on any land in the state covered wholly or in part by forest debris which is likely to further the spread of fire and thereby endanger life or property.

(2) "Closed season" means the period between April 15 and October 15, unless the department designates different dates because of prevailing fire weather conditions.

(3) "Department" means the department of natural resources, or its authorized representatives, as defined in chapter 43.30 RCW.

(4) "Department protected lands" means all lands subject to the forest protection assessment under RCW 76.04.610 or covered under contract or agreement pursuant to RCW 76.04.135 by the department.

(5) "Emergency fire costs" means those costs incurred or approved by the department for emergency forest fire suppression, including the employment of personnel, rental of equipment, and purchase of supplies over and above costs regularly budgeted and provided for non-emergency fire expenses for the biennium in which the costs occur.

(6) "Forest debris" includes forest slash, chips, and any other vegetative residue resulting from activities on forest land.

(7) "Forest fire service" includes all wardens, rangers, and other persons employed especially for preventing or fighting forest fires.

(8) "Forest land" means any unimproved lands which have enough trees, standing or down, or flammable material, to constitute in the judgment of the department, a fire menace to life or property. Sagebrush and grass areas east of the summit of the Cascade mountains may be considered forest lands when such areas are adjacent to or intermingled with areas supporting tree growth. Forest land, for protection purposes, does not include structures.

(9) "Forest landowner," "owner of forest land," "landowner," or "owner" means the owner or the person in possession of any public or private forest land.

(10) "Forest material" means forest slash, chips, timber, standing or down, or other vegetation.

(11) "Landowner operation" means every activity, and supporting activities, of a forest landowner and the landowner's agents, employees, or independent contractors or permittees in the management and use of forest land subject to the forest protection assessment under RCW 76.04.610 for the primary benefit of the owner. The term includes, but is not limited to, the growing and harvesting of forest products, the development of transportation systems, the utilization of minerals or other natural resources, and the clearing of land. The term does not include recreational and/or residential activities not associated with these enumerated activities.

(12) "Participating landowner" means an owner of forest land whose land is subject to the forest protection assessment under RCW 76.04.610.

(13) "Slash" means organic forest debris such as tree tops, limbs, brush, and other dead flammable material remaining on forest land as a result of a landowner operation.

(14) "Slash burning" means the planned and controlled burning of forest debris on forest lands by broadcast burning, underburning, pile burning, or other means, for the purposes of silviculture, hazard abatement, or reduction and prevention or elimination of a fire hazard.

(15) "Suppression" means all activities involved in the containment and control of forest fires, including the patrolling thereof until such fires are extinguished or considered by the department to pose no further threat to life or property.

(16) "Unimproved lands" means those lands that will support grass, brush and tree growth, or other flammable material when such lands are not cleared or cultivated and, in the opinion of the department, are a fire menace to life and property. [1986 c 100 § 1.]

**76.04.015 Fire protection powers and duties of department.** (1) The department may, at its discretion, appoint trained personnel possessing the necessary qualifications to carry out the duties and supporting functions of the department and may determine their respective salaries.

(2) The department shall have direct charge of and supervision of all matters pertaining to the forest fire service of the state.

(3) The department shall:

(a) Enforce all laws within this chapter;

(b) Be empowered to take charge of and direct the work of suppressing forest fires;

(c) Investigate the origin and cause of all forest fires;

(d) Furnish notices or information to the public calling attention to forest fire dangers and the penalties for violation of this chapter;

(e) Be familiar with all timbered and cut-over areas of the state; and

(f) Regulate and control the official actions of its employees, the wardens, and the rangers.

(4) The department may:

(a) Authorize all needful and proper expenditures for forest protection;

(b) Adopt rules for the prevention, control, and suppression of forest fires as it considers necessary including but not limited to: Fire equipment and materials; use of personnel; and fire prevention standards and operating conditions including a provision for reducing these conditions where justified by local factors such as location and weather;

(c) Remove at will the commission of any ranger or suspend the authority of any warden;

(d) Inquire into:

(i) The extent, kind, value, and condition of all timber lands within the state;

(ii) The extent to which timber lands are being destroyed by fire and the damage thereon.

(5) When the department considers it to be in the best interest of the state, it may cooperate with any agency of another state, the United States or any agency thereof, the Dominion of Canada or any agency or province thereof, and any county, town, corporation, individual, or Indian tribe within the state of Washington in forest fire fighting and patrol. [1986 c 100 § 2.]

**76.04.025 Federal funds.** The department shall receive and disburse any and all moneys contributed, allotted, or paid by the United States under the authority of any act of Congress for use in cooperation with the state of Washington in protecting and developing forests. [1986 c 100 § 3.]

**76.04.035 Wardens—Appointment—Duties.** (1) The department may appoint any of its employees as wardens, at the times and localities as it considers the public welfare demands, within any area of the state where there is forest land requiring protection.

(2) The duties of wardens shall be:

(a) To provide forest fire prevention and protection information to the public;

(b) To investigate discovered or reported fires on forest lands and take appropriate action;

(c) To patrol their areas as necessary;

(d) To visit all parts of their area, and frequented places and camps as far as possible, and warn campers or other users and visitors of fire hazards;

(e) To see that all locomotives and all steam, internal combustion, and other spark-emitting equipment are provided with spark arresters and adequate devices for preventing the escape of fire or sparks in accordance with the law;

(f) To see that operations or activities on forest land have all required fire prevention and suppression equipment or devices as required by law;

(g) To extinguish wildfires;

(h) To set back-fires to control fires;

(i) To summons, impress, and employ help in controlling wildfires;

(j) To see that all laws for the protection of forests are enforced;

(k) To investigate, arrest, and initiate prosecution of all offenders of this chapter or other chapters as allowed by law; and

(1) To perform all other duties as prescribed by law and as the department directs.

(3) All wardens and rangers shall render reports to the department on blanks or forms, or in the manner and at the times as may be ordered, giving a summary of how employed, the area visited, expenses incurred, and other information as required by the department.

(4) The department may suspend the authority of any warden who may be incompetent or unwilling to discharge properly the duties of the office.

(5) The department shall determine the placement of the wardens and, upon its request to the county commissioners of any county, the county commissioners shall designate and furnish the wardens with suitably equipped office quarters in the county courthouse.

(6) The authority of the wardens regarding the prevention, suppression, and control of forest fires, summoning, impressing, or employing help, or making arrests for violations of this chapter may extend to any part of the state. [1986 c 100 § 4.]

**76.04.045 Rangers—Appointment—Ex officio rangers—Compensation.** (1) All Washington state patrol officers, wildlife agents, fisheries patrol officers, deputy state fire marshals, and state park rangers, while in their respective jurisdictions, shall be ex officio rangers.

(2) Employees of the United States forest service, when recommended by their forest supervisor, and citizens of the state advantageously located may, at the discretion of the department, be commissioned as rangers and vested with the certain powers and duties of wardens as specified in this chapter and as directed by the department.

(3) Rangers shall receive no compensation for their services except when employed in cooperation with the state and under the provisions of this chapter and shall not create any indebtedness or incur any liability on behalf of the state: *Provided*, That rangers actually engaged in extinguishing or preventing the spread of fire on forest land or elsewhere that may endanger forest land shall, when their accounts for such service have been approved by the department, be entitled to receive compensation for such services at a rate to be fixed by the department.

(4) The department may cancel the commission of any ranger or authority granted to any ex officio ranger who may be incompetent or unwilling to discharge properly the duties of the office. [1986 c 100 § 5.]

**76.04.055 Service of notices.** Any notice required by law to be served by the department, warden, or ranger shall be sufficient if a written or printed copy thereof is delivered, mailed, telegraphed, or electronically transmitted by the department, warden, or ranger to the person to receive the notice or to his or her responsible

agent. If the name or address of the person or agent is unknown and cannot be obtained by reasonable diligence, the notice may be served by posting the copy in a conspicuous place upon the premises concerned by the notice. [1986 c 100 § 6.]

**76.04.065 Arrests without warrants.** Department employees appointed as wardens, persons commissioned as rangers, and all police officers may arrest persons violating this chapter, without warrant, as prescribed by law. [1986 c 100 § 7.]

**76.04.075 Rules—Penalty.** Any person who violates any of the orders or rules adopted under this chapter for the protection of forests from fires is guilty of a misdemeanor and subject to the penalties for a misdemeanor under RCW 9A.20.021, unless another penalty is provided. [1986 c 100 § 8.]

**76.04.085 Penalty for violations.** Unless specified otherwise, violations of the provisions of this chapter shall be a misdemeanor and subject to the penalties for a misdemeanor under RCW 9A.20.021. [1986 c 100 § 9.]

**76.04.095 Cooperative protection.** When any responsible protective agency or agencies composed of timber owners other than the state agrees to undertake systematic forest protection in cooperation with the state and such cooperation appears to the department to be more advantageous to the state than the state-provided forest fire services, the department may designate suitable areas to be official cooperative districts and substitute cooperative services for the state-provided services. The department may cooperate in the compensation for expenses of preventing and controlling fire in cooperative districts to the extent it considers equitable on behalf of the state. [1986 c 100 § 10.]

**76.04.105 Contracts for protection and development.** The department may enter into contracts and undertakings with private corporations for the protection and development of the forest lands within the state, subject to the provisions of this chapter. [1986 c 100 § 11.]

**76.04.115 Articles of incorporation—Requirements.** Before any private corporation may enter into any contract under RCW 76.04.105, there shall be incorporated into the articles of incorporation or charter of such corporation a provision requiring that the corporation, out of its earnings or earned surplus, and in a manner satisfactory to the department, annually set apart funds to discharge any contract entered into between such corporation and the department. [1986 c 100 § 12.]

**76.04.125 Requisites of contract.** Any undertaking for the protection and development of the forest lands of the state under RCW 76.04.105 shall be regulated and controlled by a contract to be entered into between the private corporation and the department. The contract shall outline the lands involved and the conditions and

details of the undertaking, including an exact specification of the amount of funds to be made available by the corporation and the time and manner of disbursement. Before entering into any such contract, the department shall be satisfied that the private corporation is financially solvent and will be able to carry out the project outlined in the contract. The department shall have charge of the project for the protection and development of the forest lands described in the contract, and any expense incurred by the department under any such contract shall be payable solely by the corporation from the funds provided by it for these purposes. The state of Washington shall not in any event be responsible to any person, firm, company, or corporation for any indebtedness created by any corporation under a contract pursuant to RCW 76.04.105. [1986 c 100 § 13.]

**76.04.135 Cooperative agreements—Public agencies.** (1) For the purpose of promoting and facilitating cooperation between fire protection agencies and to more adequately protect life, property, and the natural resources of the state, the department may enter into a contract or agreement with a municipality, county, state, or federal agency to provide fire detection, prevention, presuppression, or suppression services on property which they are responsible to protect.

(2) Contracts or agreements under subsection (1) of this section may contain provisions for the exchange of services on a cooperative basis or services in return for cash payment or other compensation.

(3) No charges may be made when the department determines that under a cooperative contract or agreement the assistance received from a municipality, county, or federal agency on state protected lands equals that provided by the state on municipal, county, or federal lands. [1986 c 100 § 14.]

**76.04.145 Forest fire advisory board.** (1) There is hereby created a forest fire advisory board, consisting of seven members who shall represent private and public forest landowners and other interested segments of the public. The members shall be appointed by the commissioner of public lands and shall serve at the commissioner's pleasure, without compensation.

(2) The duties of the forest fire advisory board shall be strictly advisory and shall include, but not necessarily be limited to:

(a) Reviewing forest fire prevention and suppression policies of the department;

(b) Monitoring expenditures from and recoveries for the landowner contingency forest fire suppression account;

(c) Recommending appropriate assessments and allocations for establishment and replenishment of the account based upon the proportionate expenditures necessitated by participating landowner operations in western and eastern Washington;

(d) Recommending to the department appropriate rules or amendments to existing rules and reviewing nonemergency rules affecting the protection of forest lands from fire, including reasonable alternative means

or procedures for the abatement, isolation, or reduction of forest fire hazards.

(3) Except where an emergency exists, all rules concerning matters listed in subsection (2)(d) of this section shall be adopted by the department after consultation with the forest fire advisory board. [1986 c 100 § 15.]

**76.04.155 Fire fighting—Employment—Assistance.** (1) The department may employ a sufficient number of persons to extinguish or prevent the spreading of any fire that may be in danger of damaging or destroying any timber or other property on department protected lands. The department may provide needed tools and supplies and may provide transportation when necessary for persons so employed.

(2) Every person so employed is entitled to compensation at a rate to be fixed by the department. The department shall, upon request, show the person the number of hours worked by that person and the rate established for payment. After approval of the department, that person is entitled to receive payment from the state.

(3) It is unlawful to fail to render assistance when called upon by the department to aid in guarding or extinguishing any fire. [1986 c 100 § 16.]

#### PERMITS

**76.04.205 Burning permits.** (1) Except in certain areas designated by the department or as permitted under rules adopted by the department, a person shall have a valid written burning permit obtained from the department to burn:

(a) Any flammable material on any lands under the protection of the department; or

(b) Refuse or waste forest material on forest lands protected by the department.

(2) To be valid a permit must be signed by both the department and the permittee. Conditions may be imposed in the permit for the protection of life, property, or air quality and [the department] may suspend or revoke the permits when conditions warrant. A permit shall be effective only under the conditions and for the period stated therein. Signing of the permit shall indicate the permittee's agreement to and acceptance of the conditions of the permit.

(3) The department may inspect or cause to be inspected the area involved and may issue a burning permit if:

(a) All requirements relating to fire fighting equipment, the work to be done, and precautions to be taken before commencing the burning have been met;

(b) No unreasonable danger will result; and

(c) Burning will be done in compliance with air quality standards established by chapter 70.94 RCW.

(4) The department, authorized employees thereof, or any warden or ranger may refuse, revoke, or postpone the use of permits to burn when necessary for the safety of adjacent property or when necessary in their judgment to prevent air pollution as provided in chapter 70.94 RCW. [1986 c 100 § 17.]

#### **76.04.215 Burning mill wood waste—Arresters.**

(1) It is unlawful for anyone manufacturing lumber or shingles, or other forest products, to destroy wood waste material by burning within one-fourth of one mile of any forest material without properly confining the place of the burning and without further safeguarding the surrounding property against danger from the burning by such additional devices as the department may require.

(2) It is unlawful for anyone to destroy any wood waste material by fire within any burner or destructor operated within one-fourth of one mile of any forest material, or to operate any power-producing plant using in connection therewith any smokestack, chimney, or other spark-emitting outlet, without installing and maintaining on such burner, or destructor, or on such smokestack, chimney, or other spark-emitting outlet, a safe and suitable device for arresting sparks. [1986 c 100 § 18.]

#### **76.04.235 Dumping mill waste, forest debris—**

**Penalty.** (1) No person may dump mill waste from forest products, or forest debris of any kind, in quantities that the department declares to constitute a forest fire hazard on or threatening forest lands located in this state without first obtaining a written permit issued by the department on such terms and conditions determined by the department pursuant to rules enacted to protect forest lands from fire. The permit is in addition to any other permit required by law.

(2) Any person who dumps such mill waste, or forest debris, without a permit, or in violation of a permit is guilty of a gross misdemeanor and subject to the penalties for a gross misdemeanor under RCW 9A.20.021 and may further be required to remove all materials dumped. [1986 c 100 § 19.]

**76.04.246 Use of blasting fuse.** It is unlawful to use fuse for blasting on any area of logging slash or area of actual logging operation without a permit during the closed season. Upon the issuance of a written permit by the department or warden or ranger, fuse may be used during the closed season under the conditions specified in the permit. [1986 c 100 § 20.]

#### CLOSURES/SUSPENSIONS

**76.04.305 Closed to entry—Designation.** (1) When, in the opinion of the department, any forest land is particularly exposed to fire danger, the department may designate such land as a region of extra fire hazard subject to closure, and the department shall adopt rules for the protection thereof.

(2) All such rules shall be published in such newspapers of general circulation in the counties wherein such region is situated and for such length of time as the department may determine.

(3) When in the opinion of the department it becomes necessary to close the region to entry, posters carrying the wording "Region of extra fire hazard—CLOSED TO ENTRY—except as provided by RCW 76.04.305" and

indicating the beginning and ending dates of the closures shall be posted on the public highways entering the regions.

(4) The rules shall be in force from the time specified therein, but when in the opinion of the department such forest region continues to be exposed to fire danger, or ceases to be so exposed, the department may extend, suspend, or terminate the closure by proclamation.

(5) This section does not authorize the department to prohibit the conduct of industrial operations, public work, or access of permanent residents to their own property within the closed area, but no one legally entering the region of extra fire hazard may use the area for recreational purposes which are prohibited to the general public under the terms of this section. [1986 c 100 § 21.]

**76.04.315 Suspension of burning permits/privileges.** In times and localities of unusual fire danger, the department may issue an order suspending any or all burning permits or privileges authorized by RCW 76.04.205 and may prohibit absolutely the use of fire in such locations. [1986 c 100 § 22.]

**76.04.325 Closure of forest operations or forest lands.** (1) When in the opinion of the department weather conditions arise which present an extreme fire hazard, whereby life and property may be endangered, the department may issue an order shutting down all logging, land clearing, or other industrial operations which may cause a fire to start. The shutdown shall be for the periods and regions designated in the order. During shutdowns, all persons are excluded from logging operating areas and areas of logging slash, except those present in the interest of fire protection.

(2) When in the opinion of the department extreme fire weather exists, whereby forest lands may be endangered, the department may issue an order restricting access to and activities on forest lands. The order shall describe the regions and extent of restrictions necessary to protect forest lands. During the period in which the order is in effect, all persons may be excluded from the regions described, except those persons present in the interest of fire protection.

(3) Each day's violation of an order under this section shall constitute a separate offense. [1986 c 100 § 23.]

## FIRE PROTECTION REGULATION

**76.04.405 Steam, internal combustion, or electrical engines and other spark-emitting equipment regulated.** It is unlawful during the closed season for any person to operate any steam, internal combustion, or electric engine, or any other spark-emitting equipment or device, on any forest land or in any place where, in the opinion of the department, fire could spread to forest land, without first complying with the requirements as may be established by the department by rule pursuant to this chapter. [1986 c 100 § 24.]

[1986 RCW Supp—page 580]

**76.04.415 Penalty for violations—Work stoppage notice.** (1) Every person upon receipt of written notice issued by the department that such person has or is violating any of the provisions of RCW 76.04.215, 76.04.305, 76.04.405, or 76.04.650 or any rule adopted by the department concerning fire prevention and fire suppression preparedness shall cease operations until compliance with the provisions of the sections or rules specified in such notice.

(2) The department may specify in the notice of violation the special conditions and precautions under which the operation would be allowed to continue until the end of that working day. [1986 c 100 § 25.]

**76.04.425 Unauthorized entry into sealed fire tool box.** It is unlawful to enter into a sealed fire tool box without authorization. [1986 c 100 § 26.]

**76.04.435 Deposit of fire or live coals.** No person operating a railroad may permit to be deposited by any employee, and no one may deposit fire or live coals, upon the right of way within one-fourth of one mile of any forest material, during the closed season, unless the fire or live coals are immediately extinguished. [1986 c 100 § 27.]

**76.04.445 Reports of fire.** (1) Any person engaged in any activity on forest lands shall immediately report to the department, in person or by radio, telephone, or telegraph, any fires on forest lands.

(2) Railroad companies and other public carriers operating on or through forest lands shall immediately report to the department, in person or by radio, telephone, or telegraph, any fires on or adjacent to their right of way or route. [1986 c 100 § 28.]

**76.04.455 Lighted material, etc.—Receptacles in conveyances.** (1) It is unlawful during the closed season for any person to throw away any lighted tobacco, cigars, cigarettes, matches, fireworks, charcoal, or other lighted material or to discharge any tracer or incendiary ammunition in any forest, brush, range, or grain areas.

(2) It is unlawful during the closed season for any individual to smoke any flammable material when in forest or brush areas except on roads, cleared landings, gravel pits, or any similar area free of flammable material.

(3) Every conveyance operated through or above forest, range, brush, or grain areas shall be equipped in each compartment with a suitable receptacle for the disposition of lighted tobacco, cigars, cigarettes, matches, or other flammable material.

(4) Every person operating a public conveyance through or above forest, range, brush, or grain areas shall post a copy of this section in a conspicuous place within the smoking compartment of the conveyance; and every person operating a saw mill or a logging camp in any such areas shall post a copy of this section in a conspicuous place upon the ground or buildings of the milling or logging operation. [1986 c 100 § 29.]

**76.04.465 Certain snags to be felled currently with logging.** Standing dead trees constitute a substantial deterrent to effective fire control action in forest areas, but are also an important and essential habitat for many species of wildlife. To insure continued existence of these wildlife species and continued forest growth while minimizing the risk of destruction by conflagration, only certain snags must be felled currently with the logging. The department shall adopt rules relating to effective fire control action to require that only certain snags be felled, taking into consideration the need to protect the wildlife habitat. [1986 c 100 § 30.]

**76.04.475 Reimbursement for costs of suppression action.** Any person, firm, or corporation, public or private, obligated to take suppression action on any forest fire is entitled to reimbursement for reasonable costs incurred, subject to the following:

(1) No reimbursement is allowed under this section to a person, firm, or corporation whose negligence is responsible for the starting or existence of any fire for which costs may be recoverable pursuant to law. Reimbursement for fires resulting from slash burns are subject to RCW 76.04.486.

(2) If the fire is started in the course of or as a result of land clearing operations, right of way clearing, or a landowner operation, the person, firm, or corporation conducting the operation shall supply:

(a) At no cost to the department, all equipment and able-bodied persons under contract, control, employment, or ownership that are requested by the department and are reasonably available until midnight of the day on which the fire started; and

(b) After midnight of the day on which the fire started, at no cost to the department, all equipment and able-bodied persons under contract, control, employment, or ownership that were within a one-half mile radius of the fire at the time of discovery, until the fire is declared out by the department. In no case may the person, firm, or corporation provide less than one suitable bulldozer and five able-bodied persons, or other equipment accepted by the department as equivalent, unless the department determines less is needed for the purpose of suppressing the fire; and

(c) If the person, firm, or corporation has no personnel or equipment within one-half mile of the fire, payment shall be made to the department for the minimum requirement of one suitable bulldozer and five able-bodied persons, for the duration of the fire; and

(d) If, after midnight of the day on which the fire started, additional personnel and equipment are requested by the department, the person, firm, or corporation shall supply the personnel and equipment under contract, control, employment, or ownership outside the one-half mile radius, if reasonably available, but shall be reimbursed for such personnel and equipment as provided in subsection (4) of this section.

(3) When a fire which occurred in the course of or as a result of land clearing operations, right of way clearing, or a landowner operation, which had previously

been suppressed, rekindles, the person, firm, or corporation shall supply the same personnel and equipment, under the same conditions, as were required at the time of the original fire.

(4) Claims for reimbursement shall be submitted within a reasonable time to the department which shall upon verifying the amounts therein and the necessity thereof authorize payment at such rates as established by the department for wages and equipment rental. [1986 c 100 § 31.]

**76.04.486 Escaped slash burns—Obligations.** (1) All personnel and equipment required by the burning permit issued for a slash burn may be required by the department, at the permittee's expense, for suppression of a fire resulting from the slash burn until the fire is declared out by the department. In no case may the permittee provide less than one suitable bulldozer and five persons capable of taking suppression action. In addition, if a slash burn becomes an uncontrolled fire the department may recover from the landowner the actual costs incurred in suppressing the fire. The amount collected from the landowner shall be limited to and calculated at the rate of one dollar per acre for the landowner's total forest lands protected by the department, up to a maximum charge of fifty thousand dollars per escaped slash burn.

(2) The landowner contingency forest fire suppression account shall be used to pay and the permittee shall not be responsible for fire suppression expenditures greater than fifty thousand dollars or the total amount calculated for forest lands owned as determined in subsection (1) of this section for each escaped slash burn.

(3) All expenses incurred in suppressing a fire resulting from a slash burn in which negligence was involved shall be the obligation of the landowner. [1986 c 100 § 32.]

**76.04.495 Negligent starting of fires—Existence of extreme fire hazard or forest debris—Liability for costs—Recovery.** (1) Any person, firm, or corporation: (a) Whose negligence is responsible for the starting or existence of a fire which spreads on forest land; or (b) who creates or allows an extreme fire hazard under RCW 76.04.660 to exist and which hazard contributes to the spread of a fire; or (c) who allows forest debris subject to RCW 76.04.650 to exist and which debris contributes to the spread of fire, shall be liable for any expenses made necessary by (a), (b), or (c) of this subsection incurred by the state, a municipality, or a forest protective association, in fighting the fire, together with costs of investigation and litigation including reasonable attorneys' fees and taxable court costs, if the expense was authorized or subsequently approved by the department.

(2) The department or agency incurring such expense shall have a lien for the same against any property of the person, firm, or corporation liable under subsection (1) of this section by filing a claim of lien naming the person, firm, or corporation, describing the property against

which the lien is claimed, specifying the amount expended on the lands on which the fire fighting took place and the period during which the expenses were incurred, and signing the claim with post office address. No claim of lien is valid unless filed, with the county auditor of the county in which the property sought to be charged is located, within a period of ninety days after the expenses of the claimant are incurred. The lien may be foreclosed in the same manner as a mechanic's lien is foreclosed under the statutes of the state of Washington. [1986 c 100 § 33.]

#### ASSESSMENTS, OBLIGATIONS, FUNDS

**76.04.600 Owners to protect forests.** Every owner of forest land in the state of Washington shall furnish or provide, during the season of the year when there is danger of forest fires, adequate protection against the spread of fire thereon or therefrom which shall meet with the approval of the department. [1986 c 100 § 34.]

**76.04.610 Forest fire protection assessment.** If any owner of forest land neglects or fails to provide adequate fire protection as required by RCW 76.04.600, the department shall provide such protection, notwithstanding the provisions of RCW 76.04.630, at a cost to the owner of not to exceed twenty-one cents an acre per year on lands west of the summit of the Cascade mountains and seventeen cents an acre per year on lands east of the summit of the Cascade mountains: *Provided*, That (1) there shall be no assessment on each parcel of privately owned lands of less than two acres or on each parcel of tax exempt lands of less than ten acres; (2) for lands not exempt under (1) of this proviso, the cost for any ownership parcel containing less than thirty acres shall not be less than five dollars and ten cents east of the Cascade mountains and six dollars and thirty cents west of the Cascade mountains; and (3) an owner of two or more parcels per county, each containing less than thirty acres, may obtain a refund of the assessments paid on all such parcels over one by applying therefor within the year the assessment was due to the department of natural resources, in such form as the department may require, upon showing to the satisfaction of the department that all assessments and property taxes on the property have been paid, but if the total acreage of the parcels exceed thirty acres, the per-acre rate shall apply and the refund shall be computed accordingly. Application for the refund may be made by mail.

For the purpose of this chapter, the supervisor may divide the forest lands of the state, or any part thereof, into districts, for fire protection and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Any amounts paid or contracted to be paid by the supervisor of the department of natural resources for protection of these lands from any funds at the supervisor's disposal shall be a lien upon the property protected, and unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred,

on which date the supervisor of the department of natural resources shall be prepared to make statement thereof upon request to any forest owner whose own protection has not been previously approved by the supervisor as adequate, shall be reported by the supervisor of the department of natural resources to the assessor of the county in which the property is situated who shall extend the amounts upon the tax rolls covering the property, or the county assessor shall upon authorization from the supervisor of the department of natural resources levy the forest fire protection assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records and the assessor may then segregate on his or her records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in RCW 52.16.170.

The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the supervisor of the department of natural resources certifying them to the treasurer of the county in which the land involved is situated. Assessments shall be known and designated as assessments of the year in which the amounts became reimbursable. Upon the collection of such assessments the county treasurer shall transmit them to the supervisor of the department of natural resources to be applied against expenses incurred in carrying out the provisions of this section, including necessary and reasonable administrative costs incurred by the department in the enforcement of these provisions. The department may also expend any sums collected from owners of forest lands or received from any other source for necessary administrative costs in connection with the enforcement of RCW 76.04.660.

When land against which forest fire protection assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment, and the county treasurer in case the proceeds of sale exceed the amount of the delinquent tax judgment shall forthwith remit to the supervisor of the department of natural resources the amount of the outstanding forest fire protection assessments.

All public bodies owning or administering forest lands shall pay the forest fire protection assessments provided in this section and the special forest fire suppression account assessments under RCW 76.04.630. The forest fire protection assessments and special forest fire suppression account assessments shall be payable by public bodies from any available funds within thirty days following receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided. Unpaid assessments shall not be a lien against the publicly owned land but shall constitute a debt by the public body to the department and shall be subject to interest charges in the same amount as other unpaid forest fire protection assessments.



A public body, having failed to previously pay forest fire protection assessments required of it by this section, which fails to suppress a fire on or originating from forest lands owned or administered by it shall be liable for the costs of suppression incurred by the department or its agent and shall not be entitled to reimbursement of any costs incurred by the public body in the suppression activities.

The supervisor of the department of natural resources shall furnish the surety company bond under RCW 43.30.170(6), conditioned for the faithful performance of his duties and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general.

The supervisor of the department of natural resources may adopt rules to implement this section, including, but not limited to, rules on the levying and collecting of forest fire protection assessments. [1986 c 100 § 35.]

**76.04.620 State funds—Loans—Recovery of funds from the landowner contingency forest fire suppression account.** Biennial general fund appropriations to the department of natural resources normally provide funds for the purpose of paying the emergency fire costs and expenses incurred and/or approved by the department in forest fire suppression or in reacting to any potential forest fire situation. When a determination is made that the fire started in the course of or as a result of a landowner operation, moneys expended from such appropriations in the suppression of the fire shall be recovered from the landowner contingency forest fire suppression account. The department shall transmit to the state treasurer for deposit in the general fund any such moneys which are later recovered. Moneys recovered during the biennium in which they are expended may be spent for purposes set forth in this section during the same biennium, without reappropriation. Loans between the general fund and the landowner contingency forest fire suppression account are authorized for emergency fire suppression. The loans shall not exceed the amount appropriated for emergency forest fire suppression costs and shall bear interest at the then current rate of interest as determined by the state treasurer. [1986 c 100 § 36.]

**76.04.630 Landowner contingency forest fire suppression account—Assessments.** There is created a landowner contingency forest fire suppression account which shall be a separate account in the state treasury. This account shall be for the purpose of paying emergency fire costs incurred or approved by the department in the suppression of forest fires. When a determination is made that the fire was started by other than a landowner operation, moneys expended from this account in the suppression of such fire shall be recovered from such general fund appropriations as may be available for emergency fire suppression costs. Moneys spent from this account shall be by appropriation. The department shall transmit to the state treasurer for deposit in the landowner contingency forest fire suppression account

any moneys paid out of the account which are later recovered, less reasonable costs of recovery, which moneys may be expended for purposes set forth herein during the current biennium, without reappropriation.

This account shall be established and renewed by a special forest fire suppression account assessment paid by participating landowners at rates to be established by the department, but not to exceed ten cents per acre per year for such period of years as may be necessary to establish and thereafter reestablish a balance in the account of two million dollars: *Provided*, That the department may establish a minimum assessment for ownership parcels containing less than thirty acres. The maximum assessment for these parcels shall not exceed the fees levied on a thirty-acre parcel. There shall be no assessment on each parcel of privately owned lands of less than two acres or on each parcel of tax exempt lands of less than ten acres. The assessments with respect to forest lands in western and eastern Washington may differ to equitably distribute the assessment based on emergency fire suppression cost experience necessitated by landowner operations. Amounts assessed for this account shall be a lien upon the forest lands with respect to which the assessment is made, and may be collected as directed by the department in the same manner as forest fire protection assessments. This account shall be held by the state treasurer who is authorized to invest so much of the account as is not necessary to meet current needs. Any interest earned on moneys from the account shall be deposited in and remain a part of the account, and shall be computed as part of the same in determining the balance thereof. Interfund loans to and from this account are authorized at the then current rate of interest as determined by the state treasurer, provided that the effect of the loan is considered for purposes of determining the assessments. Payment of emergency costs from this account shall in no way restrict the right of the department to recover costs pursuant to RCW 76.04.495 or other laws.

When the department determines that a forest fire was started in the course of or as a result of a landowner operation, it shall notify the forest fire advisory board of the determination. The determination shall be final, unless, within ninety days of the notification, the forest fire advisory board or any interested party, serves a request for a hearing before the department. The hearing shall constitute a contested case under chapter 34.04 RCW and any appeal therefrom shall be to the superior court of Thurston county. [1986 c 100 § 37.]

## HAZARD ABATEMENT

**76.04.650 Disposal of forest debris—Permission to allow trees to fall on another's land.** Everyone clearing land or clearing right of way for railroad, public highway, private road, ditch, dike, pipe or wire line, or for any other transmission, or transportation utility right of way, shall pile and burn or dispose of by other satisfactory means, all forest debris cut thereon, as rapidly as the clearing or cutting progresses, or at such other times as the department may specify, and if during the closed

season, in compliance with the law requiring burning permits.

No person clearing any land or right of way, or in cutting or logging timber for any purpose, may fell, or permit to be felled, any trees so that they may fall onto land owned by another without first obtaining permission from the owner in addition to complying with the terms of this section for the disposal of refuse. All the terms of this section and other forest laws of the state shall be observed in all clearings of right of way or other land on behalf of the state itself or any county thereof, either directly or by contract, and, unless unavoidable emergency prevents, provision shall be made by all officials directing the work for withholding a sufficient portion of the payment therefor until the disposal is completed, to insure the completion of the disposal in compliance with this section. [1986 c 100 § 38.]

**76.04.660 Additional fire hazards—Extreme fire hazard areas—Abatement, isolation or reduction—Summary action—Recovery of costs.** (1) The owner of land which is an additional fire hazard and the person responsible for the existence of an additional fire hazard shall take reasonable measures to reduce the danger of fire spreading from the area and may abate the hazard by burning or other satisfactory means.

(2) The department shall adopt rules defining areas of extreme fire hazard that the owner and person responsible shall abate. The areas shall include but are not limited to high risk areas such as where life or buildings may be endangered, areas adjacent to public highways, and areas of frequent public use.

(3) The department may adopt rules, after consultation with the forest fire advisory board, defining other conditions of extreme fire hazard with a high potential for fire spreading to lands in other ownerships. The department may prescribe additional measures that shall be taken by the owner and person responsible to isolate or reduce the extreme fire hazard.

(4) The owner or person responsible for the existence of the extreme fire hazard is required to abate, isolate, or reduce the hazard. The duty to abate, isolate, or reduce, and liability under this chapter, arise upon creation of the extreme fire hazard. Liability shall include but not be limited to all fire suppression expenses incurred by the department, regardless of fire cause.

(5) If the owner or person responsible for the existence of the extreme fire hazard or forest debris subject to RCW 76.04.650 refuses, neglects, or unsuccessfully attempts to abate, isolate, or reduce the same, the department may summarily abate, isolate, or reduce the hazard as required by this chapter and recover twice the actual cost thereof from the owner or person responsible. Landowner contingency forest fire suppression account moneys may be used by the department, when available, for this purpose. Moneys recovered by the department pursuant to this section shall be returned to the landowner contingency forest fire suppression account.

(6) Such costs shall include all salaries and expenses of people and equipment incurred therein, including those of the department. All such costs shall also be a

lien upon the land enforceable in the same manner with the same effect as a mechanic's lien.

(7) The summary action may be taken only after ten days' notice in writing has been given to the owner or reputed owner of the land on which the extreme fire hazard or forest debris subject to RCW 76.04.650 exists. The notice shall include a suggested method of abatement and estimated cost thereof. The notice shall be by personal service or by registered or certified mail addressed to the owner or reputed owner at the owner's last known place of residence. [1986 c 100 § 39.]

## FIRE REGULATION

**76.04.700 Failure to extinguish campfire.** It is unlawful for any person to start any fire upon any camping ground and upon leaving the camping ground fail to extinguish the fire. [1986 c 100 § 40.]

**76.04.710 Wilful setting of fire.** It is unlawful for any person to wilfully start a fire, whether on his or her land or the land of another, whereby forest lands or the property of another is endangered, under circumstances not amounting to arson in either the first or second degree or reckless burning in either the first or second degree. [1986 c 100 § 41.]

**76.04.720 Removal of notices.** It is unlawful for any person to wilfully and without authorization deface or remove any warning notice posted under the requirements of this chapter. [1986 c 100 § 42.]

**76.04.730 Negligent fire—Spread.** It is unlawful for any person to negligently allow fire originating on the person's own property to spread to the property of another. [1986 c 100 § 43.]

**76.04.740 Reckless burning.** (1) It is unlawful to knowingly cause a fire or explosion and thereby place forest lands in danger of destruction or damage.

(2) This section does not apply to acts amounting to reckless burning in the first degree under RCW 9A.48.040.

(3) Terms used in this section shall have the meanings given to them in Title 9A RCW.

(4) A violation of this section shall be punished as a gross misdemeanor under RCW 9A.20.021. [1986 c 100 § 44.]

**76.04.750 Uncontrolled fire a public nuisance—Suppression—Duties—Summary action—Recovery of costs.** Any fire on or threatening any forest land burning uncontrolled and without proper action being taken to prevent its spread, notwithstanding the origin of the fire, is a public nuisance by reason of its menace to life and property. Any person engaged in any activity on such lands, having knowledge of the fire, notwithstanding the origin or subsequent spread thereof on his or her own or other forest lands, and the landowner, shall make every reasonable effort to suppress the fire. If the person

has not suppressed the fire, the department shall summarily suppress the fire. If the owner, lessee, other possessor of such land, or an agent or contractor of the owner, lessee, or possessor, having knowledge of the fire, has not made a reasonable effort to suppress the fire, the cost thereof may be recovered from the owner, lessee, or other possessor of the land and the cost of the work shall also constitute a lien upon the real property or chattels under the person's ownership. The lien may be filed by the department in the office of the county auditor and foreclosed in the same manner provided by law for the foreclosure of mechanics' liens. The prosecuting attorney shall bring the action to recover the cost or foreclose the lien, upon the request of the department. In the absence of negligence, no costs, other than those provided in RCW 76.04.475, shall be recovered from any landowner for lands subject to the forest fire protection assessment with respect to the land on which the fire burns.

When a fire occurs in a land clearing, right of way clearing, or landowner operation it shall be fought to the full limit of the available employees and equipment, and the fire fighting shall be continued with the necessary crews and equipment in such numbers as are, in the opinion of the department, sufficient to suppress the fire. The fire shall not be left without a fire fighting crew or fire patrol until authority has been granted in writing by the department. [1986 c 100 § 45.]

**76.04.900 Captions—1986 c 100.** As used in this act subchapter and section captions constitute no part of the law. [1986 c 100 § 60.]

### Chapter 76.09 FOREST PRACTICES

Sections  
76.09.290 Inspection of lands—Reforestation.

**76.09.290 Inspection of lands—Reforestation.** The department shall inspect, or cause to be inspected, deforested lands of the state and ascertain if the lands are valuable chiefly for agriculture, timber growing, or other purposes, with a view to reforestation. [1986 c 100 § 49.]

### Chapter 76.14 FOREST REHABILITATION

Sections  
76.14.120 Landowner's responsibility under other laws.

**76.14.120 Landowner's responsibility under other laws.** This chapter shall not relieve the landowner of providing adequate fire protection for forest land pursuant to RCW 76.04.610 or, in lieu thereof, of paying the forest fire protection assessment specified, but shall be deemed as providing solely for extra fire protection needed in the extrahazardous fire area. [1986 c 100 § 56; 1955 c 171 § 9.]

## Title 77 GAME AND GAME FISH

Chapters  
**77.12 Powers and duties of commission.**  
**77.21 Penalties—Proceedings.**

### Chapter 77.12 POWERS AND DUTIES OF COMMISSION

Sections  
77.12.270 Claims for damages caused by deer or elk—Payments authorized, limitations.  
77.12.280 Claims for damages caused by deer or elk—Procedures—Arbitration—Awards.

**77.12.270 Claims for damages caused by deer or elk—Payments authorized, limitations.** The commission may compromise, adjust, settle, and pay claims for damages caused by deer or elk in accordance with RCW 77.12.280 through 77.12.300. Payments for claims shall not exceed two thousand dollars. The payment of a claim by the commission constitutes full and final payment for the claim. [1986 c 126 § 11; 1980 c 78 § 45; 1963 c 177 § 8; 1955 c 36 § 77.12.270. Prior: 1949 c 238 § 3; Rem. Supp. 1949 § 5992-45a.]

**Effective date—Intent, construction—Savings—Severability—1980 c 78:** See notes following RCW 77.04.010.

**77.12.280 Claims for damages caused by deer or elk—Procedures—Arbitration—Awards.** (1) Claims under RCW 77.12.270 may be filed under RCW 4.92.040(5) if within one year of filing with the commission the claim is not settled and paid. The risk management office shall recommend to the legislature whether the claim should be approved. If the legislature approves the claim, the department shall pay it from moneys appropriated for that purpose.

(2) If a claim for damages under RCW 77.12.270 has been refused or has not been settled and paid by the commission within one hundred twenty days of the filing of the claim, either the claimant or the commission may serve upon the other personally or by registered mail a notice of intent to arbitrate. The notice shall contain the name of an arbitrator. Within ten days of receiving the notice, the person served shall serve the name of an arbitrator personally or by registered mail upon the other party. The two arbitrators, within seven days of the naming of the second arbitrator, shall select a third arbitrator who shall not be an employee of the department or member of the commission. If the two arbitrators cannot agree upon a third arbitrator, either party may petition the superior court in the county in which the claim arose to select the third arbitrator. Upon receiving the petition, the court shall appoint a third arbitrator. Filing fees or court costs arising from the petition shall be shared equally by the claimant and the department.

(3) The award of the arbitrators is advisory only and shall be filed with the department within ninety days following the naming of the third arbitrator. Payment

shall not be made by the commission until the arbitrators have made their advisory award. [1986 c 126 § 12; 1980 c 78 § 46; 1979 c 151 § 176; 1977 ex.s. c 144 § 8; 1957 c 177 § 1; 1955 c 36 § 77.12.280. Prior: 1949 c 238 § 4; Rem. Supp. 1949 § 5992-45b.]

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

Chapter 77.21

PENALTIES—PROCEEDINGS

Sections

77.21.070 Illegal possession of wildlife—Reimbursement to state—Amounts—Bail.

77.21.070 Illegal possession of wildlife—Reimbursement to state—Amounts—Bail. (1) Whenever a person is convicted of illegal possession of wildlife listed in this subsection, the convicting court shall order the person to reimburse the state in the following amounts for each animal killed or possessed:

- (a) Moose, antelope, mountain sheep, mountain goat, and all wildlife species classified as endangered by rule of the commission . . . . . \$1,000
(b) Elk, deer, black bear, and cougar . . . . . \$500

(2) For the purpose of this section, the term "convicted" includes a plea of guilty, a finding of guilt regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, and the payment of a fine. No court may establish bail for illegal possession of wildlife listed in subsection (1) in an amount less than the bail established for hunting during the closed season plus the reimbursement value of wildlife set forth in subsection (1).

(3) If two or more persons are convicted of illegally possessing wildlife listed in this section, the reimbursement amount shall be imposed upon them jointly and separately.

(4) The reimbursement amount provided in this section shall be imposed in addition to and regardless of any penalty, including fines, or costs, that is provided for violating any provision of Title 77 RCW. The reimbursement required by this section shall be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect. Nothing in this section may be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(5) A defaulted reimbursement or any installment payment thereof may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including vacation of a deferral of sentencing or of a suspension of sentence. [1986 c 318 § 1; 1984 c 258 § 336; 1983 1st ex.s. c 8 § 3.]

Effective date—1986 c 318: "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 June 30, 1986." [1986 c 318 § 2.]

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Intent—1984 c 258: See note following RCW 3.46.120.

Findings—1983 1st ex.s. c 8: "The legislature finds that wildlife is of great ecological, recreational, esthetic, and economic value to the people of the state of Washington. It further finds that the illegal taking and possession of certain valuable wildlife species is increasing at an alarming rate and that the state should be reimbursed for the loss of individual wildlife of these species in the amounts specified in section 3 of this act." [1983 1st ex.s. c 8 § 1.] "Section 3 of this act" consists of the enactment of RCW 77.21.070.

Title 79

PUBLIC LANDS

Chapters

- 79.01 Public lands act.
79.14 Oil and gas leases on state lands.

Chapter 79.01

PUBLIC LANDS ACT

Sections

79.01.074 Department authority to accept land.

79.01.074 Department authority to accept land. The department is hereby authorized, when in its judgment it appears advisable, to accept on behalf of the state, any grant of land within the state which shall then become a part of the state forests. No grant may be accepted until the title has been examined and approved by the attorney general of the state and a report made to the board of natural resources of the result of the examination. [1986 c 100 § 48.]

Chapter 79.14

OIL AND GAS LEASES ON STATE LANDS

Sections

79.14.020 Leases authorized—Terms—Duration.

79.14.020 Leases authorized—Terms—Duration. The commissioner is authorized to lease public lands for the purpose of prospecting for, developing and producing oil, gas or other hydrocarbon substances. Each such lease is to be composed of not more than six hundred forty acres or an entire government surveyed section, except a lease on river bed, lake bed, tide and submerged lands which is to be composed of not more than one thousand nine hundred twenty acres. All leases shall contain such terms and conditions as may be prescribed by the rules and regulations adopted by the commissioner in accordance with the provisions of this chapter. Leases may be for an initial term of from five up to ten years and shall be extended for so long thereafter as lessee shall comply with one of the following conditions: (1) Prosecute development on the leased land with the due diligence of a prudent operator upon encountering oil, gas, or other hydrocarbon substances, (2) produce any of said substances from the leased lands,

(3) engage in drilling, deepening, repairing, or redrilling any well thereon, or (4) participate in a unit plan to which the commissioner has consented under RCW 78.52.450. [1986 c 34 § 1; 1985 c 459 § 2; 1955 c 131 § 2. Prior: 1937 c 161 §§ 2, 3; 1927 c 255 §§ 175, 176. Formerly RCW 78.28.290.]

**Severability**—1985 c 459: See note following RCW 79.01.668.

## Title 80 PUBLIC UTILITIES

### Chapters

- 80.04** Regulations—General.  
**80.28** Gas, electrical, and water companies.  
**80.36** Telecommunications.  
**80.50** Energy facilities—Site locations.

### Chapter 80.04 REGULATIONS—GENERAL

#### Sections

- 80.04.015 Conduct of business subject to regulation—Determination by commission.  
 80.04.165 Repealed.

**80.04.015 Conduct of business subject to regulation—Determination by commission.** Whether or not any person or corporation is conducting business subject to regulation under this title, or has performed or is performing any act requiring registration or approval of the commission without securing such registration or approval, shall be a question of fact to be determined by the commission. Whenever the commission believes that any person or corporation is engaged in any activity without first complying with the requirements of this title, it may institute a special proceeding requiring such person or corporation to appear before the commission at a location convenient for witnesses and the production of evidence and produce information, books, records, accounts, and other memoranda, and give testimony under oath as to the activities being conducted. The commission may consider any and all facts that may indicate the true nature and extent of the operations or acts and may subpoena such witnesses and documents as it deems necessary.

After investigation, the commission is authorized and directed to issue the necessary order or orders declaring the activities to be subject to, or not subject to, the provisions of this title. In the event the activities are found to be subject to the provisions of this title, the commission shall issue such orders as may be necessary to require all parties involved in the activities to comply with this title, and with respect to services found to be reasonably available from alternative sources, to issue orders to cease and desist from providing jurisdictional services pending full compliance.

In proceedings under this section, no person or corporation may be excused from testifying or from producing

any information, book, document, paper, or account before the commission when ordered to do so, on the ground that the testimony or evidence, information, book, document, or account required may tend to incriminate him or her or subject him or her to penalty or forfeiture specified in this title; but no person or corporation may be prosecuted, punished, or subjected to any penalty or forfeiture specified in this title for or on account of any account, transaction, matter, or thing concerning which he or she shall under oath have testified or produced documentary evidence in proceedings under this section: *Provided*, That no person so testifying may be exempt from prosecution or punishment for any perjury committed by him or her in such testimony: *Provided further*, That the exemption from prosecution in this section extends only to violations of this title. [1986 c 11 § 1.]

**80.04.165 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 80.28 GAS, ELECTRICAL, AND WATER COMPANIES

#### Sections

- 80.28.010 Duties as to rates, services, and facilities—Limitations on termination of utility service for residential heating.  
 80.28.011 Reports to legislature—1986 c 245—Review of policies on involuntary termination of gas or electric service—Expiration of section.  
 80.28.250 Water companies—Fire hydrants.

**80.28.010 Duties as to rates, services, and facilities—Limitations on termination of utility service for residential heating.** (1) All charges made, demanded or received by any gas company, electrical company or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient.

(2) Every gas company, electrical company and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company or water company, affecting or pertaining to the sale or distribution of its product, shall be just and reasonable.

(4) Until June 30, 1990:

(a) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill, including a security deposit. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(ii) Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the

maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(ii) Assist the customer in fulfilling the requirements under this section;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area; and

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected.

(c) A payment plan implemented under this section is consistent with RCW 80.28.080.

(5) Every gas company and electrical company shall offer residential customers the option of a budget billing

or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(6) Every gas company, electrical company and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

(7) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter. [1986 c 245 § 5; 1985 c 6 § 25; 1984 c 251 § 4; 1961 c 14 § 80.28.010. Prior: 1911 c 117 § 26; RRS § 10362.]

#### **80.28.011 Reports to legislature—1986 c 245—**

**Review of policies on involuntary termination of gas or electric service—Expiration of section.** Until 1990, the Washington utilities and transportation commission shall report annually to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter 245, Laws of 1986 benefits low income persons, and (2) the costs and benefits to other customers. The commission shall also review its policies and the policies of gas and electric utilities under its jurisdiction on involuntary termination of gas or electric utility service, discontinuance of service, and responsibility for delinquent accounts, for all residential customers and undertake good faith efforts to adopt policies which apply to all residential customers in a similar fashion to minimize uncollectible customer billings and to encourage customer payments of prior service obligations in a manner consistent with applicable state and federal law. This review shall be completed and a report on the review supplied to the energy and utilities committees of the legislature by January 1, 1987.

This section shall expire June 30, 1990. [1986 c 245 § 6; 1984 c 251 § 7.]

**Reviser's note:** For codification of 1986 c 245, see note following RCW 35.21.301.

**80.28.250 Water companies—Fire hydrants.** A city, town or county may, by ordinance or resolution, require a water company to maintain fire hydrants in the area served by the water company. The utilities and transportation commission has no authority to waive this obligation. [1986 c 119 § 1.]

### **Chapter 80.36**

#### **TELECOMMUNICATIONS**

(Formerly: Telephone and telegraph companies)

##### Sections

80.36.390

Telephone solicitation.

80.36.400

Automatic dialing and announcing devices—Commercial solicitation by.

**80.36.390 Telephone solicitation.** (1) As used in this section, "telephone solicitation" means the unsolicited initiation of a telephone call by a commercial or non-profit company or organization to a residential telephone customer and conversation for the purpose of encouraging a person to purchase property, goods, or services or soliciting donations of money, property, goods, or services. "Telephone solicitation" does not include:

(a) Calls made in response to a request or inquiry by the called party. This includes calls regarding an item that has been purchased by the called party from the company or organization during a period not longer than twelve months prior to the telephone contact;

(b) Calls made by a not-for-profit organization to its own list of bona fide or active members of the organization;

(c) Calls limited to polling or soliciting the expression of ideas, opinions, or votes; or

(d) Business-to-business contacts.

For purposes of this section, each individual real estate agent or insurance agent who maintains a separate list from other individual real estate or insurance agents shall be treated as a company or organization. For purposes of this section, an organization as defined in RCW 29.01.090 or 29.01.100 and organized pursuant to RCW 29.42.010 shall not be considered a commercial or non-profit company or organization.

(2) A person making a telephone solicitation must identify him or herself and the company or organization on whose behalf the solicitation is being made and the purpose of the call within the first thirty seconds of the telephone call.

(3) If, at any time during the telephone contact, the called party states or indicates that he or she does not wish to be called again by the company or organization or wants to have his or her name and individual telephone number removed from the telephone lists used by the company or organization making the telephone solicitation, then:

(a) The company or organization shall not make any additional telephone solicitation of the called party at that telephone number within a period of at least one year; and

(b) The company or organization shall not sell or give the called party's name and telephone number to another company or organization: *Provided*, That the company or organization may return the list, including the called party's name and telephone number, to the company or organization from which it received the list.

(4) A violation of subsection (2) or (3) of this section is punishable by a fine of up to one thousand dollars for each violation.

(5) The attorney general may bring actions to enforce compliance with this section. For the first violation by any company or organization of this section, the attorney general shall notify the company with a letter of warning that the section has been violated.

(6) A person aggrieved by a violation of this section may bring a civil action in superior court to enjoin future violations, to recover damages, or both. The court shall award damages of at least one hundred dollars for

each individual violation of this section. If the aggrieved person prevails in a civil action under this subsection, the court shall award the aggrieved person reasonable attorneys' fees and cost of the suit.

(7) The utilities and transportation commission shall by rule ensure that telecommunications companies inform their residential customers of the provisions of this section. The notification may be made by (a) annual inserts in the billing statements mailed to residential customers, or (b) conspicuous publication of the notice in the consumer information pages of local telephone directories. [1986 c 277 § 2.]

**Legislative finding—1986 c 277:** "The legislature finds that certain kinds of telephone solicitation are increasing and that these solicitations interfere with the legitimate privacy rights of the citizens of the state. A study conducted by the utilities and transportation commission, as directed by the forty-ninth legislature, has found that the level of telephone solicitation in this state is significant to warrant regulatory action to protect the privacy rights of the citizens of the state. It is the intent of the legislature to clarify and establish the rights of individuals to reject unwanted telephone solicitations." [1986 c 277 § 1.]

**80.36.400 Automatic dialing and announcing devices—Commercial solicitation by.** (1) As used in this section:

(a) An automatic dialing and announcing device is a device which automatically dials telephone numbers and plays a recorded message once a connection is made.

(b) Commercial solicitation means the unsolicited initiation of a telephone conversation for the purpose of encouraging a person to purchase property, goods, or services.

(2) No person may use an automatic dialing and announcing device for purposes of commercial solicitation. This section applies to all commercial solicitation intended to be received by telephone customers within the state.

(3) A violation of this section is a violation of chapter 19.86 RCW. It shall be presumed that damages to the recipient of commercial solicitations made using an automatic dialing and announcing device are five hundred dollars.

(4) Nothing in this section shall be construed to prevent the Washington utilities and transportation commission from adopting additional rules regulating automatic dialing and announcing devices. [1986 c 281 § 2.]

**Legislative finding—1986 c 281:** "The legislature finds that the use of automatic dialing and announcing devices for purposes of commercial solicitation: (1) Deprives consumers of the opportunity to immediately question a seller about the veracity of their claims; (2) subjects consumers to unwarranted invasions of their privacy; and (3) encourages inefficient and potentially harmful use of the telephone network. The legislature further finds that it is in the public interest to prohibit the use of automatic dialing and announcing devices for purposes of commercial solicitation." [1986 c 281 § 1.]

## Chapter 80.50

### ENERGY FACILITIES—SITE LOCATIONS

#### Sections

80.50.030 Energy facility site evaluation council—Created—Membership.

**80.50.030 Energy facility site evaluation council—Created—Membership.** (1) There is created and established the energy facility site evaluation council.

(2) (a) The chairman of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chairman may designate a member of the council to serve as acting chairman in the event of the chairman's absence. The salary of the chairman shall be determined under RCW 43.03.040. The chairman is a "state employee" for the purposes of chapter 42.18 RCW.

(b) The chairman is the chief executive officer of the council and shall, with the concurrence of the council, execute all official documents, contracts, and other materials on behalf of the council. The chairman shall appoint an executive secretary to serve at the pleasure of the chairman. The chairman may appoint a confidential secretary to serve at the pleasure of the chairman. The chairman shall appoint and prescribe the duties of such clerks, employees, and agents as may be necessary to carry out this chapter: *Provided*, That such persons shall be employed pursuant to chapter 41.06 RCW.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:

- (a) Department of ecology;
- (b) Department of fisheries;
- (c) Department of game;
- (d) Department of parks and recreation;
- (e) Department of social and health services;
- (f) State energy office;
- (g) Department of trade and economic development;
- (h) Utilities and transportation commission;
- (i) Office of financial management;
- (j) Department of natural resources;
- (k) Department of community development;
- (l) Department of agriculture;
- (m) Department of transportation.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site;

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the

port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person. [1986 c 266 § 51; Prior: 1985 c 466 § 71; 1985 c 67 § 1; 1985 c 7 § 151; prior: 1984 c 125 § 18; 1984 c 7 § 372; 1977 ex.s. c 371 § 3; 1975-'76 2nd ex.s. c 108 § 31; 1974 ex.s. c 171 § 46; 1970 ex.s. c 45 § 3.]

**Severability—1986 c 266:** See note following RCW 38.52.005.

**Effective date—Severability—1985 c 466:** See notes following RCW 43.31.005.

**Severability—Headings—Effective date—1984 c 125:** See RCW 43.63A.901 through 43.63A.903.

**Severability—1984 c 7:** See note following RCW 47.01.141.

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

## Title 81 TRANSPORTATION

### Chapters

- 81.04 Regulations—General.**
- 81.80 Motor freight carriers.**

### Chapter 81.04 REGULATIONS—GENERAL

#### Sections

- 81.04.165 Repealed.

**81.04.165 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 81.80 MOTOR FREIGHT CARRIERS

#### Sections

- 81.80.190 Insurance or deposit of security.

**81.80.190 Insurance or deposit of security.** The commission shall in the granting of permits to "common carriers" and "contract carriers" under this chapter require such carriers to either procure and file liability and property damage insurance from a company licensed to write such insurance in the state of Washington, or deposit such security, for such limits of liability and upon such terms and conditions as the commission shall determine to be necessary for the reasonable protection of the public against damage and injury for which such carrier may be liable by reason of the operation of any motor vehicle.



In fixing the amount of said insurance policy or policies, or deposit of security, the commission shall give due consideration to the character and amount of traffic and the number of persons affected and the degree of danger which the proposed operation involves.

If the commission is notified of the cancellation, revocation, or any other changes in the required insurance or security of a common carrier or contract carrier with a permit to transport radioactive or hazardous materials, the commission shall immediately notify the state radiation control agency of the change. [1986 c 191 § 5; 1961 c 14 § 81.80.190. Prior: 1935 c 184 § 16; RRS § 6382-16.]

**Construction—Severability—1986 c 191:** See RCW 43.200.905 and 43.200.906.

## Title 82 EXCISE TAXES

### Chapters

- 82.01** Department of revenue.
- 82.02** General provisions.
- 82.04** Business and occupation tax.
- 82.08** Retail sales tax.
- 82.12** Use tax.
- 82.16** Public utility tax.
- 82.18** Refuse collection tax.
- 82.24** Tax on cigarettes.
- 82.26** Tax on tobacco products.
- 82.29A** Leasehold excise tax.
- 82.32** General administrative provisions.
- 82.38** Special fuel tax act.
- 82.44** Motor vehicle excise tax.
- 82.45** Excise tax on real estate sales.
- 82.60** Tax deferrals for investment projects in distressed areas.
- 82.61** Tax deferrals for manufacturing, research, and development projects.
- 82.62** Tax credits for eligible business projects.

### Chapter 82.01

#### DEPARTMENT OF REVENUE

#### Sections

- 82.01.120** Economic and revenue forecast supervisor—Economic and revenue forecasts—Submission of forecasts to governor and legislature.
- 82.01.135** Economic and revenue forecast work group—Availability of information to group—Provision of technical support to economic and revenue forecast council—Meetings.

**82.01.120 Economic and revenue forecast supervisor—Economic and revenue forecasts—Submission of forecasts to governor and legislature.** (1) The director shall employ an economic and revenue forecast supervisor to supervise the preparation of all economic and revenue forecasts. As used in this section and RCW

82.01.125 and 82.01.130, "supervisor" means the economic and revenue forecast supervisor. Approval by an affirmative vote of at least five members of the economic and revenue forecast council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years, unless the supervisor is reappointed by the director and approved by the economic and revenue forecast council for another three years. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(2) Four times each year the supervisor shall prepare, subject to the approval of the economic and revenue forecast council under RCW 82.01.130(2):

- (a) An official state economic and revenue forecast;
- (b) An unofficial state economic and revenue forecast based on optimistic economic and revenue projections; and
- (c) An unofficial state economic and revenue forecast based on pessimistic economic and revenue projections.

(3) The supervisor shall submit forecasts prepared under this section, along with any unofficial forecasts provided under RCW 82.01.130(3), to the governor and the legislature on or before November 20th, February 20th in the even-numbered years, March 20th in the odd-numbered years, June 20th, and September 20th. [1986 c 112 § 2; 1984 c 138 § 1.]

**82.01.135 Economic and revenue forecast work group—Availability of information to group—Provision of technical support to economic and revenue forecast council—Meetings.** (1) To promote the free flow of information and to promote legislative input in the preparation of forecasts, immediate access to all information relating to economic and revenue forecasts shall be available to the economic and revenue forecast work group, hereby created. Revenue collection information shall be available to the economic and revenue forecast work group the first business day following the conclusion of each collection period. The economic and revenue forecast work group shall consist of one staff member selected by the executive head or chairperson of each of the following agencies or committees:

- (a) Department of revenue;
- (b) Office of financial management;
- (c) Legislative evaluation and accountability program committee;
- (d) Ways and means committee of the senate; and
- (e) Ways and means committee of the house of representatives.

(2) The economic and revenue forecast work group shall provide technical support to the economic and revenue forecast council. Meetings of the economic and revenue forecast work group may be called by any member of the group for the purpose of assisting the economic and revenue forecast council, reviewing the state economic and revenue forecasts, or reviewing monthly revenue collection data or for any other purpose which may assist the economic and revenue forecast council. [1986 c 158 § 23; 1984 c 138 § 5.]

**Chapter 82.02**  
**GENERAL PROVISIONS**

## Sections

82.02.030 Additional tax rates.

**82.02.030 Additional tax rates.** (1) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.16.020(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be seven percent;

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent; and

(3) The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent. [1986 c 296 § 5; 1985 c 471 § 9; 1983 2nd ex.s. c 3 § 6; 1983 c 7 § 8; 1982 2nd ex.s. c 14 § 1; 1982 1st ex.s. c 35 § 31.]

**Severability—Effective date—1986 c 296:** See notes following RCW 48.14.020.

**Severability—Effective date—1985 c 471:** See notes following RCW 82.04.260.

**Construction—Severability—Effective dates—1983 2nd ex.s. c 3:** See notes following RCW 82.04.255.

**Construction—Severability—Effective dates—1983 c 7:** See notes following RCW 82.08.020.

**Effective date—Applicability—1982 2nd ex.s. c 14:** "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.

The tax rates imposed under this act are effective on the dates designated in this act notwithstanding the date this act becomes law under Article III, section 12 of the state Constitution." [1982 2nd ex.s. c 14 § 3.]

**Severability—Effective dates—1982 1st ex.s. c 35:** See notes following RCW 82.08.020.

**Chapter 82.04**  
**BUSINESS AND OCCUPATION TAX**

## Sections

82.04.050 "Sale at retail", "retail sale".

82.04.190 "Consumer".

82.04.280 Tax on printers, publishers, highway contractors, extracting or processing for hire, cold storage warehouse or storage warehouse operation, insurance general agents, radio and television broadcasting, consumer as defined in RCW 82.04.190(6)—Cold storage warehouse defined—Storage warehouse defined.

82.04.431 "Health or social welfare organization" defined for RCW 82.04.4297—Conditions for exemption—"Health or social welfare services" defined.

**82.04.050 "Sale at retail", "retail sale".** (1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or

decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale, or (d) purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon, or (e) purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsections (2) and (7) and RCW 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor

cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (f) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) Amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

(4) The term shall also include the renting or leasing of tangible personal property to consumers.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are

exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. [1986 c 231 § 1; 1983 2nd ex.s. c 3 § 25; 1981 c 144 § 3; 1975 1st ex.s. c 291 § 5; 1975 1st ex.s. c 90 § 1; 1973 1st ex.s. c 145 § 1; 1971 ex.s. c 299 § 3; 1971 ex.s. c 281 § 1; 1970 ex.s. c 8 § 1. Prior: 1969 ex.s. c 262 § 30; 1969 ex.s. c 255 § 3; 1967 ex.s. c 149 § 4; 1965 ex.s. c 173 § 1; 1963 c 7 § 1; prior: 1961 ex.s. c 24 § 1; 1961 c 293 § 1; 1961 c 15 § 82.04.050; prior: 1959 ex.s. c 5 § 2; 1957 c 279 § 1; 1955 c 389 § 6; 1953 c 91 § 3; 1951 2nd ex.s. c 28 § 3; 1949 c 228 § 2, part; 1945 c 249 § 1, part; 1943 c 156 § 2, part; 1941 c 178 § 2, part; 1939 c 225 § 2, part; 1937 c 227 § 2, part; 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]

**Construction—Severability—Effective dates—1983 2nd ex.s. c 3:** See notes following RCW 82.04.255.

**Intent—Severability—Effective date—1981 c 144:** See notes following RCW 82.16.010.

**Application to preexisting contracts—1975 1st ex.s. c 291; 1975 1st ex.s. c 90:** See note following RCW 82.12.010.

**Effective dates—1975 1st ex.s. c 291:** "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 institutions, and shall take effect immediately: *Provided*, That sections 8 and 26 through 43 of this amendatory act shall be effective on and after January 1, 1976: *Provided further*, That sections 2, 3, and 4, and subsections (1) and (2) of section 24 shall be effective on and after January 1, 1977: *And provided further*, That subsections (3) through (15) of section 24 shall be effective on and after January 1, 1978." [1975 1st ex.s. c 291 § 46.]

**Reviser's note:** The effective dates of the various sections of 1975 1st ex.s. c 291 as above set forth together with their RCW counterparts are as follows:

(1) Section 8 amended RCW 82.04.443, (effective January 1, 1976);

(2) Sections 26 through 43 were codified as chapter 84.38 RCW (effective January 1, 1976);

(3) Section 2 was codified as RCW 70.12.025 (effective January 1, 1977);

(4) Sections 3 and 4 amended RCW 70.32.010 and 70.33.040, respectively (effective January 1, 1977);

(5) Subsections (1) and (2) of section 24 repealed RCW 70.12.010 and 70.32.090 (effective January 1, 1977);

(6) Subsections (3) through (15) of section 24 repealed RCW 70.35.010 through 70.35.110 and 84.10.010 (effective January 1, 1978); and

(7) The emergency clause applied to the remaining sections. The chapter was approved by the governor July 2, 1975.

**Severability—1975 1st ex.s. c 291:** "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 291 § 45.]

**Effective date—1975 1st ex.s. c 90:** "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 90 § 5.]

**Effective date—1973 1st ex.s. c 145:** "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, 1973." [1973 1st ex.s. c 145 § 2.]

**Effective dates—1971 ex.s. c 299:** "This 1971 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 as follows:

(1) Sections 1 through 12, 15 through 34 and 53 shall take effect July 1, 1971;

(2) Sections 13, 14, and 77 and 78 shall take effect June 1, 1971; and

(3) Sections 35 through 52 and 54 through 76 shall take effect as provided in section 53." [1971 ex.s. c 299 § 79.]

**Severability—1971 ex.s. c 299:** "If any phrase, clause, subsection or section of this 1971 amendatory 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 1971 amendatory 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." [1971 ex.s. c 299 § 78.]

**Construction—Severability—1969 ex.s. c 255:** See notes following RCW 35.58.272.

**Effective date—1967 ex.s. c 149:** "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 149 § 65.] This applies to the 1967 amendments to RCW 28A.45.035, 28A.45.040, 82.04.050, 82.04.130, 82.04.190, 82.04.230–82.04.290, 82.04.410, 82.04.440, 82.08.010–82.08.030, 82.12.020, 82.12.030, 82.16.020, 82.16.050, 82.32.090, 82.48.020, 82.50.010–82.50.050, 82.50.070, 82.50.101, 82.50.105, 82.50.110–82.50.140, 82.50.180–82.50.200, 83.44.010, 84.08.030, 84.36.010, 84.36.150, 84.36.171, 84.40.020, 84.40.040, 84.40.060, 84.40.130, 84.40.190, 84.40.340; the enactment of RCW 28A.45.105, 28A.45.120, 82.04.432, 82.50.185, 82.50.250, 82.50.260, 82.98.035, 84.36.176, 84.36.260, 84.40.185, 84.40.335; and the repeal of RCW 82.04.295, 82.04.296, 82.16.025, 82.16.026, 84.40.050, 84.40.140, 84.40.180 and 84.40.260.

**Effective date—1965 ex.s. c 173:** "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 June 1, 1965." [1965 ex.s. c 173 § 33.] This applies to RCW 82.04.050, 82.04.100, 82.04.120, 82.04.190, 82.04.240, 82.04.260, 82.04.330, 82.04.400, 82.04.415, 82.04.425, 82.04.430, 82.04.440, 82.08.020, 82.08.030, 82.08.050, 82.08.150, 82.12.010–82.12.030, 82.16.010, 82.16.020, 82.16.050, 82.24.020, 82.24.070, 82.26.020, 82.32.060, 82.48.100, 82.50.030, 66.24.290, and 84.36.250.

**82.04.190 "Consumer".** "Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal

property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale or (d) purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon;

(2) Any person engaged in any business activity taxable under RCW 82.04.290 and any person who purchases, acquires, or uses any telephone service as defined in RCW 82.04.065, other than for resale in the regular course of business;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right of way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer";

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing

or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation; also, any person engaged in the business of clearing land and moving earth of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW. Any such person shall be a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person. [1986 c 231 § 2; 1985 c 134 § 1; 1983 2nd ex.s. c 3 § 27; 1975 1st ex.s. c 90 § 2; 1971 ex.s. c 299 § 4; 1969 ex.s. c 255 § 4; 1967 ex.s. c 149 § 6; 1965 ex.s. c 173 § 4; 1961 c 15 § 82.04.190. Prior: 1959 ex.s. c 3 § 3; 1957 c 279 § 2; 1955 c 389 § 20; prior: 1949 c 228 § 2, part; 1945 c 249 § 1, part; 1943 c 156 § 2, part; 1941 c 178 § 2, part; 1939 c 225 § 2, part; 1937 c 227 § 2, part; 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]

**Construction—Severability—Effective dates—1983 2nd ex.s. c 3:** See notes following RCW 82.04.255.

**Application to preexisting contracts—1975 1st ex.s. c 90:** See note following RCW 82.12.010.

**Effective date—1975 1st ex.s. c 90:** See note following RCW 82.04.050.

**Effective dates—Severability—1971 ex.s. c 299:** See notes following RCW 82.04.050.

**Construction—Severability—1969 ex.s. c 255:** See notes following RCW 35.58.272.

**82.04.280 Tax on printers, publishers, highway contractors, extracting or processing for hire, cold storage warehouse or storage warehouse operation, insurance general agents, radio and television broadcasting, consumer as defined in RCW 82.04.190(6)—Cold storage warehouse defined—Storage warehouse defined.** Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising

computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6), as now or hereafter amended; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of forty-four one hundredths of one percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. [1986 c 226 § 2; 1983 c 132 § 1; 1975 1st ex.s. c 90 § 3; 1971 ex.s. c 299 § 5; 1971 ex.s. c 281 § 7; 1970 ex.s. c 8 § 2. Prior: 1969 ex.s. c 262 § 38; 1969 ex.s. c 255 § 5; 1967 ex.s. c 149 § 13; 1963 c 168 § 1; 1961 c 15 § 82.04.280; prior: 1959 ex.s. c 5 § 4; 1959 ex.s. c 3 § 4; 1955 c 389 § 48; prior: 1950 ex.s. c 5 § 1, part; 1949 c 228 § 1, part; 1943 c 156 § 1, part; 1941 c 178 § 1, part; 1939 c 228 § 1, part; 1937 c 227 § 1, part; 1935 c 180 § 4, part; Rem. Supp. 1949 § 8370-4, part.]

**Effective date—1986 c 226:** See note following RCW 82.16.010.

**Application to preexisting contracts—1975 1st ex.s. c 90:** See note following RCW 82.12.010.

**Effective date—1975 1st ex.s. c 90:** See note following RCW 82.04.050.

**Effective dates—Severability—1971 ex.s. c 299:** See notes following RCW 82.04.050.

**82.04.431 "Health or social welfare organization" defined for RCW 82.04.4297—Conditions for exemption—"Health or social welfare services" defined.** (1) For the purposes of RCW 82.04.4297, the term "health or social welfare organization" means an organization, including any community action council, which renders health or social welfare services as defined in subsection (2) of this section, which is a not-for-profit corporation under chapter 24.03 RCW and which is managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or which is a corporation sole under chapter 24.12 RCW. Health or social welfare organization does not include a corporation providing professional services as authorized in chapter 18.100 RCW. In addition a corporation in order

to be exempt under RCW 82.04.4297 shall satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the public service of the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified where licensing or certification is required by law or regulation;

(e) The amounts received qualifying for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue shall have access to its books in order to determine whether the corporation is exempt from taxes within the intent of RCW 82.04.4297 and this section.

(2) The term "health or social welfare services" includes and is limited to:

(a) Mental health, drug, or alcoholism counseling or treatment;

(b) Family counseling;

(c) Health care services;

(d) Therapeutic, diagnostic, rehabilitative, or restorative services for the care of the sick, aged, or physically, developmentally, or emotionally-disabled individuals;

(e) Activities which are for the purpose of preventing or ameliorating juvenile delinquency or child abuse, including recreational activities for those purposes;

(f) Care of orphans or foster children;

(g) Day care of children;

(h) Employment development, training, and placement;

(i) Legal services to the indigent;

(j) Weatherization assistance or minor home repair for low-income homeowners or renters;

(k) Assistance to low-income homeowners and renters to offset the cost of home heating energy, through direct benefits to eligible households or to fuel vendors on behalf of eligible households; and

(l) Community services to low-income individuals, families, and groups, which are designed to have a measurable and potentially major impact on causes of poverty in communities of the state. [1986 c 261 § 6; 1985 c 431 § 3; 1983 1st ex.s. c 66 § 1; 1980 c 37 § 80; 1979 ex.s. c 196 § 6.]

**Intent**—1980 c 37: See note following RCW 82.04.4281.

**Effective date**—1979 ex.s. c 196: See note following RCW 82.04.240.

## Chapter 82.08 RETAIL SALES TAX

### Sections

82.08.0283	Exemptions—Sales of insulin, prosthetic and orthotic devices, ostomic items, and medically prescribed oxygen.
82.08.0293	Exemptions—Sales of food products for human consumption.
82.08.0295	Exemptions—Lease amounts and repurchase amount for certain property under sale/leaseback agreement.
82.08.0296	Exemptions—Sales of feed consumed by livestock at a public livestock market.
82.08.033	Exemptions—Sales of used mobile homes or rental or lease of mobile homes.
82.08.050	Buyer to pay, seller to collect tax—Statement of tax—Exception—Penalties.
82.08.080	Vending machine sales.

**82.08.0283 Exemptions—Sales of insulin, prosthetic and orthotic devices, ostomic items, and medically prescribed oxygen.** The tax levied by RCW 82.08.020 shall not apply to sales of insulin; prosthetic and orthotic devices prescribed for an individual by a person licensed under chapters 18.25, 18.57, or 18.71 RCW or dispensed or fitted by a person licensed under chapter 18.35 RCW; ostomic items; and medically prescribed oxygen. [1986 c 255 § 1; 1980 c 86 § 1; 1980 c 37 § 48. Formerly RCW 82.08.030(30).]

**Effective date**—1986 c 255: "This act shall take effect July 1, 1986." [1986 c 255 § 3.]

**Intent**—1980 c 37: See note following RCW 82.04.4281.

**82.08.0293 Exemptions—Sales of food products for human consumption.** (1) The tax levied by RCW 82.08.020 shall not apply to sales of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products including livestock sold for personal consumption, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of "food products" provided for in this subsection shall not apply: (a) When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, except for food

products furnished as meals (i) under a state administered nutrition program for the aged as provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW 74.38.040(6) or (ii) which are provided to senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

(2) Subsection (1) of this section notwithstanding, the retail sale of food products is subject to sales tax under RCW 82.08.020 if the food products are sold through a vending machine, and in this case the selling price for purposes of RCW 82.08.020 is fifty-seven percent of the gross receipts.

This subsection does not apply to hot prepared food products, other than food products which are heated after they have been dispensed from the vending machine.

For tax collected under this subsection, the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived. [1986 c 182 § 1; 1985 c 104 § 1; 1982 1st ex.s. c 35 § 33.]

**Severability—Effective dates—1982 1st ex.s. c 35:** See notes following RCW 82.08.020.

**82.08.0295 Exemptions—Lease amounts and re-purchase amount for certain property under sale/leaseback agreement.** The tax levied by RCW 82.08.020 shall not apply to lease amounts paid by a seller/lessee to a lessor after April 3, 1986, under a sale/leaseback agreement in respect to property, including equipment and components, used by the seller/lessee primarily in the business of canning, preserving, freezing, or dehydrating fresh fruits, vegetables, and fish, nor to the purchase amount paid by the lessee pursuant to an option to purchase at the end of the lease term: *Provided*, That the seller/lessee previously paid the tax imposed by this chapter or chapter 82.12 RCW at the time of acquisition of the property, including equipment and components. [1986 c 231 § 3.]

**82.08.0296 Exemptions—Sales of feed consumed by livestock at a public livestock market.** The tax levied by RCW 82.08.020 shall not apply to sales of feed consumed by livestock at a public livestock market. [1986 c 265 § 1.]

**82.08.033 Exemptions—Sales of used mobile homes or rental or lease of mobile homes.** The tax imposed by RCW 82.08.020 shall not apply to:

(1) Sales of used mobile homes as defined in RCW 82.45.032.

(2) The renting or leasing of mobile homes if the rental agreement or lease exceeds thirty days in duration and if the rental or lease of such mobile home is not conducted jointly with the provision of short-term lodging for transients. [1986 c 211 § 2; 1979 ex.s. c 266 § 3.]

**82.08.050 Buyer to pay, seller to collect tax—Statement of tax—Exception—Penalties.** The tax hereby imposed shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale in accordance with the schedule of collections adopted by the department pursuant to the provisions of RCW 82.08.060. The tax required by this chapter, to be collected by the seller, shall be deemed to be held in trust by the seller until paid to the department, and any seller who appropriates or converts the tax collected to his own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter shall be guilty of a gross misdemeanor.

In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of his own acts or the result of acts or conditions beyond his control, he shall, nevertheless, be personally liable to the state for the amount of the tax.

The amount of tax, until paid by the buyer to the seller or to the department, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. The tax required by this chapter to be collected by the seller shall be stated separately from the selling price in any sales invoice or other instrument of sale. On all retail sales through vending machines, the tax need not be stated separately from the selling price or collected separately from the buyer. For purposes of determining the tax due from the buyer to the seller and from the seller to the department it shall be conclusively presumed that the selling price quoted in any price list, sales document, contract or other agreement between the parties does not include the tax imposed by this chapter, but if the seller advertises the price as including the tax or that the seller is paying the tax, the advertised price shall not be considered the selling price.

Where a buyer has failed to pay to the seller the tax imposed by this chapter and the seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the buyer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the buyer to pay the same to the seller, regardless of when the tax may be collected by the department; and all of the provisions of chapter 82.32 RCW, including those relative to interest and penalties, shall apply in

addition; and, for the sole purpose of applying the various provisions of chapter 82.32 RCW, the fifteenth day of the month following the tax period in which the purchase was made shall be considered as the due date of the tax. [1986 c 36 § 1; 1985 c 38 § 1; 1971 ex.s. c 299 § 7; 1965 ex.s. c 173 § 15; 1961 c 15 § 82.08.050. Prior: 1951 c 44 § 1; 1949 c 228 § 6; 1941 c 71 § 3; 1939 c 225 § 11; 1937 c 227 § 7; 1935 c 180 § 21; Rem. Supp. 1949 § 8370-21.]

**Effective dates—Severability—1971 ex.s. c 299:** See notes following RCW 82.04.050.

**82.08.080 Vending machine sales.** The department of revenue may authorize a seller to pay the tax levied under this chapter upon sales made under conditions of business such as to render impracticable the collection of the tax as a separate item and waive collection of the tax from the customer. Where sales are made by receipt of a coin or coins dropped into a receptacle that results in delivery of the merchandise in single purchases of smaller value than the minimum sale upon which a one cent tax may be collected from the purchaser, according to the schedule provided by the department under authority of RCW 82.08.060, and where the design of the sales device is such that multiple sales of items are not possible or cannot be detected so as practically to assess a tax, in such a case the selling price for the purposes of the tax imposed under RCW 82.08.020 shall be sixty percent of the gross receipts of the vending machine through which such sales are made. No such authority shall be granted except upon application to the department and unless the department, after hearing, finds that the conditions of the applicant's business are such as to render impracticable the collection of the tax in the manner otherwise provided. The department, by regulation, may provide that the applicant, under this section, furnish a proper bond sufficient to secure the payment of the tax. [1986 c 36 § 2; 1975 1st ex.s. c 278 § 48; 1963 c 244 § 2; 1961 c 15 § 82.08.080. Prior: 1937 c 227 § 8; 1935 c 180 § 24; RRS § 8370-24.]

**Construction—Severability—1975 1st ex.s. c 278:** See notes following RCW 11.08.160.

## Chapter 82.12 USE TAX

### Sections

82.12.0277	Exemptions—Use of insulin, prosthetic and orthotic devices, ostomic items, and medically prescribed oxygen.
82.12.0293	Exemptions—Use of food products for human consumption.
82.12.0295	Exemptions—Lease amounts and repurchase amount for certain property under sale/leaseback agreement.
82.12.0296	Exemptions—Use of feed consumed by livestock at a public livestock market.
82.12.033	Exemption—Use of certain used mobile homes.
82.12.040	Retailers to collect tax—Penalty.

**82.12.0277 Exemptions—Use of insulin, prosthetic and orthotic devices, ostomic items, and medically prescribed oxygen.** The provisions of this chapter shall not

apply in respect to the use of insulin; prosthetic and orthotic devices prescribed for an individual by a person licensed under chapters 18.25, 18.57, or 18.71 RCW or dispensed or fitted by a person licensed under chapter 18.35 RCW; ostomic items; and medically prescribed oxygen. [1986 c 255 § 2; 1980 c 86 § 2; 1980 c 37 § 75. Formerly RCW 82.12.030(25).]

**Effective date—1986 c 255:** See note following RCW 82.08.0283.

**Intent—1980 c 37:** See note following RCW 82.04.4281.

**82.12.0293 Exemptions—Use of food products for human consumption.** The provisions of this chapter shall not apply in respect to the use of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products including livestock sold for personal consumption, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of "food products" provided for in this paragraph shall not apply: (a) When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, except for food products furnished as meals (i) under a state administered nutrition program for the aged as provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW 74.38.040(6) or (ii) which are provided to senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments. [1986 c 182 § 2; 1985 c 104 § 2; 1982 1st ex.s. c 35 § 34.]

**Severability—Effective dates—1982 1st ex.s. c 35:** See notes following RCW 82.08.020.



**82.12.0295 Exemptions—Lease amounts and repurchase amount for certain property under sale/leaseback agreement.** The provisions of this chapter shall not apply with respect to lease amounts paid by a seller/lessee to a lessor after April 3, 1986, under a sale/leaseback agreement in respect to property, including equipment and components, used by the seller/lessee primarily in the business of canning, preserving, freezing, or dehydrating fresh fruits, vegetables, and fish, nor to the purchase amount paid by the lessee pursuant to an option to purchase at the end of the lease term: *Provided*, That the seller/lessee previously paid the tax imposed by this chapter or chapter 82.08 RCW at the time of acquisition of the property, including equipment and components. [1986 c 231 § 4.]

**82.12.0296 Exemptions—Use of feed consumed by livestock at a public livestock market.** The provisions of this chapter shall not apply with respect to the use of feed consumed by livestock at a public livestock market. [1986 c 265 § 2.]

**82.12.033 Exemption—Use of certain used mobile homes.** The tax imposed by RCW 82.12.020 shall not apply in respect to:

(1) The use of used mobile homes as defined in RCW 82.45.032.

(2) The use of a mobile home acquired by renting or leasing if the rental agreement or lease exceeds thirty days in duration and if the rental or lease of the mobile home is not conducted jointly with the provision of short-term lodging for transients. [1986 c 211 § 3; 1979 ex.s. c 266 § 4.]

**82.12.040 Retailers to collect tax—Penalty.** (1) Every person who maintains in this state a place of business or a stock of goods, or engages in business activities within this state, shall obtain from the department a certificate of registration, and shall, at the time of making sales, or making transfers of either possession or title or both, of tangible personal property for use in this state, collect from the purchasers or transferees the tax imposed under this chapter. For the purposes of this chapter, the phrase "maintains in this state a place of business" shall include the solicitation of sales and/or taking of orders by sales agents or traveling representatives. For the purposes of this chapter, "engages in business activity within this state" includes every activity which is sufficient under the Constitution of the United States for this state to require collection of tax under this chapter. The department shall in rules specify activities which constitute engaging in business activity within this state, and shall keep the rules current with future court interpretations of the Constitution of the United States.

(2) Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property of his principals made for use in this state, shall, at the time such sales are made,

collect from the purchasers the tax imposed under this chapter, and for that purpose shall be deemed a retailer as defined in this chapter.

(3) The tax required to be collected by this chapter shall be deemed to be held in trust by the retailer until paid to the department and any retailer who appropriates or converts the tax collected to his own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed shall be guilty of a misdemeanor. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay the same to the department in the manner prescribed, whether such failure is the result of his own acts or the result of acts or conditions beyond his control, he shall nevertheless, be personally liable to the state for the amount of such tax.

(4) Any retailer who refunds, remits, or rebates to a purchaser, or transferee, either directly or indirectly, and by whatever means, all or any part of the tax levied by this chapter shall be guilty of a misdemeanor. [1986 c 48 § 1; 1971 ex.s. c 299 § 11; 1961 c 293 § 11; 1961 c 15 § 82.12.040. Prior: 1955 c 389 § 27; 1945 c 249 § 7; 1941 c 178 § 10; 1939 c 225 § 16; Rem. Supp. 1945 § 8370-33; prior: 1935 c 180 § 33.]

**Effective date—1986 c 48:** "This act shall take effect July 1, 1986." [1986 c 48 § 2.]

**Effective dates—Severability—1971 ex.s. c 299:** See notes following RCW 82.04.050.

## Chapter 82.16 PUBLIC UTILITY TAX

Sections	
82.16.010	Definitions.
82.16.020	Public utility tax imposed—Additional tax imposed—Deposit of moneys.

**82.16.010 Definitions.** For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

(3) "Railroad car business" means the business of renting, leasing or operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale.

(6) "Telegraph business" means the business of affording telegraphic communication for hire.

(7) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(8) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010: *Provided*, That "motor transportation business" shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

(9) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

(10) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business as defined in RCW 82.04.065. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, toll bridge, toll logging road, water transportation and wharf businesses.

(11) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account

of losses: *Provided*, That gross income of a light and power business means those amounts or value accruing to a taxpayer from the last distribution of electrical energy which is a taxable event within this state.

(13) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter. [1986 c 226 § 1; 1983 2nd ex.s. c 3 § 32; 1982 2nd ex.s. c 9 § 1; 1981 c 144 § 2; 1965 ex.s. c 173 § 20; 1961 c 293 § 12; 1961 c 15 § 82.16.010. Prior: 1959 ex.s. c 3 § 15; 1955 c 389 § 28; 1949 c 228 § 10; 1943 c 156 § 10; 1941 c 178 § 12; 1939 c 225 § 20; 1937 c 227 § 11; 1935 c 180 § 37; Rem. Supp. 1949 § 8370-37.]

**Effective date**—1986 c 226: "This act shall take effect July 1, 1986." [1986 c 226 § 3.]

**Construction—Severability—Effective dates**—1983 2nd ex.s. c 3: See notes following RCW 82.04.255.

**Effective date**—1982 2nd ex.s. c 9: "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 August 1, 1982." [1982 2nd ex.s. c 9 § 4.]

**Intent**—1981 c 144: "The legislature recognizes that there have been significant changes in the nature of the telephone business in recent years. Once solely the domain of regulated monopolies, the telephone business has now been opened up to competition with respect to most of its services and equipment. As a result of this competition, the state and local excise tax structure in the state of Washington has become discriminatory when applied to regulated telephone company transactions that are similar in nature to those consummated by nonregulated competitors. Telephone companies are forced to operate at a significant state and local tax disadvantage when compared to these nonregulated competitors.

To remedy this situation, it is the intent of the legislature to place telephone companies and nonregulated competitors of telephone companies on an equal excise tax basis with regard to the providing of similar goods and services. Therefore competitive telephone services shall for excise tax purposes only, unless otherwise provided, be treated as retail sales under the applicable state and local business and occupation and sales and use taxes. This shall not affect any requirement that regulated telephone companies have under Title 80 RCW, unless otherwise provided.

Nothing in this act affects the authority and responsibility of the Washington utilities and transportation commission to set fair, just, reasonable, and sufficient rates for telephone service." [1981 c 144 § 1.]

**Severability**—1981 c 144: "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." [1981 c 144 § 12.]

**Effective date**—1981 c 144: "This act shall take effect on January 1, 1982." [1981 c 144 § 13.]

**Effective date**—1965 ex.s. c 173: See note following RCW 82.04.050.

**82.16.020 Public utility tax imposed—Additional tax imposed—Deposit of moneys.** (1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, sewerage collection, light and power, and telegraph businesses: Three and six-tenths percent;

(b) Gas distribution business: Three and six-tenths percent;

(c) Urban transportation business: Six-tenths of one percent;

(d) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(e) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(f) Water distribution business: Four and seven-tenths percent.

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

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in RCW 43.155.050. [1986 c 282 § 14; 1985 c 471 § 10; 1983 2nd ex.s. c 3 § 13; 1982 2nd ex.s. c 5 § 1; 1982 1st ex.s. c 35 § 5; 1971 ex.s. c 299 § 12; 1967 ex.s. c 149 § 24; 1965 ex.s. c 173 § 21; 1961 c 293 § 13; 1961 c 15 § 82.16.020. Prior: 1959 ex.s. c 3 § 16; 1939 c 225 § 19; 1935 c 180 § 36; RRS § 8370-36.]

**Severability**—1986 c 282: See RCW 82.18.900.

**Severability**—**Effective date**—1985 c 471: See notes following RCW 82.04.260.

**Construction**—**Severability**—**Effective dates**—1983 2nd ex.s. c 3: See notes following RCW 82.04.255.

**Effective date**—1982 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 August 1, 1982." [1982 2nd ex.s. c 5 § 2.]

**Severability**—**Effective dates**—1982 1st ex.s. c 35: See notes following RCW 82.08.020.

**Effective dates**—**Severability**—1971 ex.s. c 299: See notes following RCW 82.04.050.

## Chapter 82.18

### REFUSE COLLECTION TAX

#### Sections

82.18.010	Definitions.
82.18.020	Tax imposed.
82.18.030	Collection of tax.
82.18.040	Collection of tax—Payment to state.
82.18.050	Federal government exempt from tax.
82.18.060	No multiple taxation of single transaction.
82.18.070	Applicability of general administrative provisions.
82.18.080	Enforcement.
82.18.900	Severability—1986 c 282.

**82.18.010 Definitions.** For purposes of this chapter:

(1) "Refuse collection business" means every person who receives waste for transfer, storage, or disposal including but not limited to all collection services, public or private dumps, transfer stations, and similar operations.

(2) "Person" shall have the meaning given in RCW 82.04.030 or any later, superseding section.

(3) "Waste" means garbage, trash, rubbish, or other material discarded as worthless or not economically viable for further use. The term does not include hazardous

or toxic waste nor does it include material collected primarily for recycling or salvage.

(4) "Taxpayer" means that person upon whom the refuse collection tax is imposed. [1986 c 282 § 6.]

**82.18.020 Tax imposed.** There is imposed on each person using the services of a refuse collection business a refuse collection tax equal to three and six-tenths percent of the consideration charged for the services. [1986 c 282 § 7.]

**82.18.030 Collection of tax.** The person collecting the charges made for using the refuse collection business shall collect the tax imposed in \*section 6 of this act. If any person charged with collecting the tax fails to bill the taxpayer for the tax, or in the alternative has not notified the taxpayer in writing of the imposition of the tax, or having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the tax. [1986 c 282 § 8.]

\*Reviser's note: "Section 6 of this act" is codified as RCW 82.18.010, a definition section. RCW 82.18.020, which imposes the tax, was apparently intended.

**82.18.040 Collection of tax—Payment to state.** Taxes collected under this chapter shall be held in trust until paid to the state. Taxes so received by the state shall be deposited in the public works assistance account created in RCW 43.155.050. Any person collecting the tax who appropriates or converts the tax collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. If a taxpayer fails to pay the tax imposed by this chapter to the person charged with collection of the tax and the person charged with collection fails to pay the tax to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the tax.

The tax shall be due from the taxpayer within twenty-five days from the date the taxpayer is billed by the person collecting the tax.

The tax shall be due from the person collecting the tax at the end of the tax period in which the tax is received from the taxpayer. If the taxpayer remits only a portion of the total amount billed for taxes, consideration, and related charges, the amount remitted shall be applied first to payment of the refuse collection tax and this tax shall have priority over all other claims to the amount remitted. [1986 c 282 § 9.]

**82.18.050 Federal government exempt from tax.** The refuse collection tax shall not apply to any agency, division, or branch of the federal government or to services rendered under a contract therewith. [1986 c 282 § 10.]

**82.18.060 No multiple taxation of single transaction.** To prevent pyramiding and multiple taxation of a single

transaction, this tax shall not apply to any refuse collection business using the services of another refuse collection business for the transfer, storage, or disposal of the waste collected during the transaction.

To be eligible for this exemption, a person first must be certified by the department of revenue as a refuse collection business. [1986 c 282 § 11.]

**82.18.070 Applicability of general administrative provisions.** Chapter 82.32 RCW applies to the tax imposed under this chapter. [1986 c 282 § 12.]

**82.18.080 Enforcement.** The department of revenue shall have the power to enforce the tax imposed in this chapter through appropriate rules. [1986 c 282 § 13.]

**82.18.900 Severability—1986 c 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. [1986 c 282 § 22.]

## Chapter 82.24 TAX ON CIGARETTES

Sections	
82.24.027	Additional tax imposed—Rate—Deposit in water quality account.
82.24.260	Selling or disposing of unstamped cigarettes—Retailer to collect and remit tax—Liability.
82.24.500	Business of cigarette purchase, sale, consignment, or distribution—License required—Penalty. (Effective July 1, 1991.)
82.24.510	Wholesaler's and retailer's licenses—Application and issuance. (Effective July 1, 1991.)
82.24.520	Wholesaler's license—Fee—Display of license—Bond. (Effective July 1, 1991.)
82.24.530	Retailer's license—Fee. (Effective July 1, 1991.)
82.24.540	Licensee to operate within scope of license—Penalty. (Effective July 1, 1991.)
82.24.550	Enforcement—Notice—Hearing—Reinstatement of license—Appeal. (Effective July 1, 1991.)
82.24.560	Fees and penalties credited to general fund. (Effective July 1, 1991.)

**82.24.027 Additional tax imposed—Rate—Deposit in water quality account.** There is hereby levied and there shall be collected by the department of revenue from the persons mentioned in and in the manner provided by this chapter, an additional tax upon the sale, use, consumption, handling, possession, or distribution of cigarettes in an amount equal to the rate of four mills per cigarette.

The moneys collected under this section shall be deposited in the water quality account under RCW 70.146.030 through June 30, 2021, and in the general fund thereafter. [1986 c 3 § 12.]

**Effective dates—1986 c 3:** "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 except sections 12 through 15 of this act shall take effect April 1, 1986." [1986 c 3 § 18.] "Sections 12 through 15 of this act" consist of the enactment of RCW 82.24.027, 82.26.025, and 82.32.390 and the amendment of RCW 82.24.260 by 1986 c 3. The

remainder of this act, codified in RCW 70.146.010 through 70.146.080, took effect February 21, 1986.

**Severability—1986 c 3:** See RCW 70.146.900.

**82.24.260 Selling or disposing of unstamped cigarettes—Retailer to collect and remit tax—Liability.** Any retailer who sells or otherwise disposes of any unstamped cigarettes other than (1) a federal instrumentality with respect to sales to authorized military personnel and (2) a federally recognized Indian tribal organization with respect to sales to enrolled members of the tribe shall collect from the buyer or transferee thereof the tax imposed on such buyer or transferee by this chapter and RCW 28A.47.440 and remit the same to the department after deducting from the tax collected the compensation he would have been entitled to under the provisions of this chapter and RCW 28A.47.440 if he had affixed stamps to the unstamped cigarettes. Such remittance shall be made at the same time and manner as remittances of the retail sales tax as required under chapters 82.08 and 82.32 RCW. In the event the retailer fails to collect the tax from the buyer or transferee, or fails to remit the same, the retailer shall be personally liable therefor, and shall be subject to the administrative provisions of RCW 82.24.230 with respect to the collection thereof by the department. The provisions of this section shall not relieve the buyer or possessor of unstamped cigarettes from personal liability for the tax imposed by this chapter and RCW 28A.47.440.

Nothing in this section shall relieve a wholesaler or a retailer from the requirements of affixing stamps pursuant to RCW 82.24.040 and 82.24.050. [1986 c 3 § 13. Prior: 1983 c 189 § 3; 1983 c 3 § 217; 1975 1st ex.s. c 22 § 1; 1972 ex.s. c 157 § 7.]

**Severability—1986 c 3:** See RCW 70.146.900.

**Effective dates—1986 c 3:** See note following RCW 82.24.027.

**Severability—1983 c 189:** See note following RCW 28A.47.440.

**Severability—1972 ex.s. c 157:** See note following RCW 82.24.020.

**82.24.500 Business of cigarette purchase, sale, consignment, or distribution—License required—Penalty.** (Effective July 1, 1991.) No person may engage in or conduct the business of purchasing, selling, consigning, or distributing cigarettes in this state without a license under this chapter. A violation of this section is a misdemeanor. [1986 c 321 § 4.]

**Policy—Intent—1986 c 321:** "It is the policy of the legislature to encourage competition by reducing the government's role in price setting. It is the legislature's intent to leave price setting mainly to the forces of the marketplace. In the field of cigarette sales, the legislature finds that the goal of open competition should be balanced against the public policy disallowing use of cigarette sales as loss leaders. To balance these public policies, it is the intent of the legislature to repeal the unfair cigarette sales below cost act and to declare the use of cigarettes as loss leaders as an unfair practice under the consumer protection act." [1986 c 321 § 1.]

**Savings—1986 c 321:** "A cigarette wholesalers or retailers license issued by the department of licensing under RCW 19.91.130 in good standing on the July 1, 1991, constitutes a license under RCW 82.24.500." [1986 c 321 § 11.]

**Effective date—1986 c 321:** "Sections 1 and 4 through 14 of this act shall take effect on July 1, 1991." [1986 c 321 § 15.]

**82.24.510 Wholesaler's and retailer's licenses—Application and issuance.** (Effective July 1, 1991.) (1) The licenses issuable under this chapter are as follows:

- (a) A wholesaler's license.
- (b) A retailer's license.

(2) Application for the licenses shall be made through the master license system under chapter 19.02 RCW. The department of revenue shall adopt rules regarding the regulation of the licenses. The department of revenue may refrain from the issuance of any license under this chapter if the department has reasonable cause to believe that the applicant has wilfully withheld information requested for the purpose of determining the eligibility of the applicant to receive a license, or if the department has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith. Each such license shall expire on the master license expiration date, and each such license shall be continued annually if the licensee has paid the required fee and complied with all the provisions of this chapter and the rules of the department of revenue made pursuant thereto. [1986 c 321 § 5.]

**Policy—Intent—Savings—Effective date—1986 c 321:** See notes following RCW 82.24.500.

**82.24.520 Wholesaler's license—Fee—Display of license—Bond.** (Effective July 1, 1991.) A fee of six hundred fifty dollars shall accompany each wholesaler's license application or license renewal application. If a wholesaler sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license with a license fee of one hundred fifteen dollars shall be required for each additional place of business. Each license, or certificate thereof, and such other evidence of license as the department of revenue requires, shall be exhibited in the place of business for which it is issued and in such manner as is prescribed for the display of a master license. The department of revenue shall require each licensed wholesaler to file with the department a bond in an amount not less than one thousand dollars to guarantee the proper performance of the duties and the discharge of the liabilities under this chapter. The bond shall be executed by such licensed wholesaler as principal, and by a corporation approved by the department of revenue and authorized to engage in business as a surety company in this state, as surety. The bond shall run concurrently with the wholesaler's license. [1986 c 321 § 6.]

**Policy—Intent—Savings—Effective date—1986 c 321:** See notes following RCW 82.24.500.

**82.24.530 Retailer's license—Fee.** (Effective July 1, 1991.) A fee of ten dollars shall accompany each retailer's license application or license renewal application. A fee of one additional dollar for each vending machine shall accompany each application or renewal for a license issued to a retail dealer operating a cigarette vending machine. [1986 c 321 § 7.]

**Policy—Intent—Savings—Effective date—1986 c 321:** See notes following RCW 82.24.500.

**82.24.540 Licensee to operate within scope of license—Penalty.** (Effective July 1, 1991.) Any person licensed only as a wholesaler, or as a retail dealer, shall not operate in any other capacity unless the additional appropriate license or licenses are first secured. A violation of this section is a misdemeanor. [1986 c 321 § 8.]

**Policy—Intent—Savings—Effective date—1986 c 321:** See notes following RCW 82.24.500.

**82.24.550 Enforcement—Notice—Hearing—Reinstatement of license—Appeal.** (Effective July 1, 1991.) (1) The department of revenue shall enforce the provisions of this chapter. The department of revenue may adopt, amend, and repeal rules necessary to enforce and administer the provisions of this chapter. The department of revenue has full power and authority to revoke or suspend the license or permit of any wholesale or retail cigarette dealer in the state upon sufficient cause appearing of the violation of this chapter or upon the failure of such licensee to comply with any of the provisions of this chapter.

(2) A license shall not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the department of revenue. The department of revenue, upon a finding by same, that the licensee has failed to comply with any provision of this chapter or any rule promulgated thereunder, shall, in the case of the first offender, suspend the license or licenses of the licensee for a period of not less than thirty consecutive business days, and, in the case of a second or plural offender, shall suspend the license or licenses for a period of not less than ninety consecutive business days nor more than twelve months, and, in the event the department of revenue finds the offender has been guilty of wilful and persistent violations, it may revoke the license or licenses.

(3) Any person whose license or licenses have been so revoked may apply to the department of revenue at the expiration of one year for a reinstatement of the license or licenses. The license or licenses may be reinstated by the department of revenue if it appears to the satisfaction of the department of revenue that the licensee will comply with the provisions of this chapter and the rules promulgated thereunder.

(4) A person whose license has been suspended or revoked shall not sell cigarettes or permit cigarettes to be sold during the period of such suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form whatever.

(5) Any determination and order by the department of revenue, and any order of suspension or revocation by the department of revenue of the license or licenses, or refusal to reinstate a license or licenses after revocation shall be reviewable by an appeal to the superior court of Thurston county. The superior court shall review the order or ruling of the department of revenue and may hear the matter de novo, having due regard to the provisions of this chapter and the duties imposed upon the department of revenue. [1986 c 321 § 9.]

**Policy—Intent—Savings—Effective date—1986 c 321:** See notes following RCW 82.24.500.

**82.24.560 Fees and penalties credited to general fund.** (Effective July 1, 1991.) All fees and penalties received or collected by the department of revenue pursuant to this chapter shall be paid to the state treasurer, to be credited to the general fund. [1986 c 321 § 10.]

**Policy—Intent—Savings—Effective date—1986 c 321:** See notes following RCW 82.24.500.

## Chapter 82.26

### TAX ON TOBACCO PRODUCTS

#### Sections

82.26.025 Additional tax imposed—Rate—Deposit in water quality account.

**82.26.025 Additional tax imposed—Rate—Deposit in water quality account.** (1) In addition to the taxes imposed under RCW 82.26.020, there is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of sixteen and three-fourths percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

(2) The moneys collected under this section shall be deposited in the water quality account under RCW 70.146.030 through June 30, 2021, and in the general fund thereafter. [1986 c 3 § 14.]

**Severability—1986 c 3:** See RCW 70.146.900.

**Effective dates—1986 c 3:** See note following RCW 82.24.027.

## Chapter 82.29A

### LEASEHOLD EXCISE TAX

#### Sections

82.29A.020 Definitions.  
82.29A.120 Allowable credits.  
82.29A.160 Improvements not defined as contract rent taxable under Title 84 RCW.

**82.29A.020 Definitions.** As used in this chapter the following terms shall be defined as follows, unless the context otherwise requires:

(1) "Leasehold interest" shall mean an interest in publicly owned real or personal property which exists by virtue of any lease, permit, license, or any other agreement, written or verbal, between the public owner of the property and a person who would not be exempt from property taxes if that person owned the property in fee, granting possession and use, to a degree less than fee simple ownership: *Provided*, That no interest in personal property (excluding land or buildings) which is owned

by the United States, whether or not as trustee, or by any foreign government shall constitute a leasehold interest hereunder when the right to use such property is granted pursuant to a contract solely for the manufacture or production of articles for sale to the United States or any foreign government. The term "leasehold interest" shall include the rights of use or occupancy by others of property which is owned in fee or held in trust by a public corporation, commission, or authority created under RCW 35.21.730 or 35.21.660 if the property is listed on or is within a district listed on any federal or state register of historical sites. The term "leasehold interest" shall not include road or utility easements or rights of access, occupancy or use granted solely for the purpose of removing materials or products purchased from a public owner or the lessee of a public owner.

(2) "Taxable rent" shall mean contract rent as defined in subsection (a) of this subsection in all cases where the lease or agreement has been established or renegotiated through competitive bidding, or negotiated or renegotiated in accordance with statutory requirements regarding the rent payable, or negotiated or renegotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor: *Provided*, That after January 1, 1986, with respect to any lease which has been in effect for ten years or more without renegotiation, taxable rent may be established by procedures set forth in subsection (b) of this subsection. All other leasehold interests shall be subject to the determination of taxable rent under the terms of subsection (b) of this subsection.

(a) "Contract rent" shall mean the amount of consideration due as payment for a leasehold interest, including: The total of cash payments made to the lessor or to another party for the benefit of the lessor according to the requirements of the lease or agreement, including any rents paid by a sublessee; expenditures for the protection of the lessor's interest when required by the terms of the lease or agreement; and expenditures for improvements to the property to the extent that such improvements become the property of the lessor. Where the consideration conveyed for the leasehold interest is made in combination with payment for concession or other rights granted by the lessor, only that portion of such payment which represents consideration for the leasehold interest shall be part of contract rent.

"Contract rent" shall not include: (i) Expenditures made by the lessee, which under the terms of the lease or agreement, are to be reimbursed by the lessor to the lessee or expenditures for improvements and protection made pursuant to a lease or an agreement which requires that the use of the improved property be open to the general public and that no profit will inure to the lessee from the lease; (ii) expenditures made by the lessee for the replacement or repair of facilities due to fire or other casualty including payments for insurance to provide reimbursement for losses or payments to a public or private entity for protection of such property from damage or loss or for alterations or additions made necessary by an action of government taken after the date

of the execution of the lease or agreement; (iii) improvements added to publicly owned property by a sublessee under an agreement executed prior to January 1, 1976, which have been taxed as personal property of the sublessee prior to January 1, 1976, or improvements made by a sublessee of the same lessee under a similar agreement executed prior to January 1, 1976, and such improvements shall be taxable to the sublessee as personal property; (iv) improvements added to publicly owned property if such improvements are being taxed as personal property to any person.

Any prepaid contract rent shall be considered to have been paid in the year due and not in the year actually paid with respect to prepayment for a period of more than one year. Expenditures for improvements with a useful life of more than one year which are included as part of contract rent shall be treated as prepaid contract rent and prorated over the useful life of the improvement or the remaining term of the lease or agreement if the useful life is in excess of the remaining term of the lease or agreement. Rent prepaid prior to January 1, 1976, shall be prorated from the date of prepayment.

With respect to a "product lease", the value of agricultural products received as rent shall be the value at the place of delivery as of the fifteenth day of the month of delivery; with respect to all other products received as contract rent, the value shall be that value determined at the time of sale under terms of the lease.

(b) If it shall be determined by the department of revenue, upon examination of a lessee's accounts or those of a lessor of publicly owned property, that a lessee is occupying or using publicly owned property in such a manner as to create a leasehold interest and that such leasehold interest has not been established through competitive bidding, or negotiated in accordance with statutory requirements regarding the rent payable, or negotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor, the department may establish a taxable rent computation for use in determining the tax payable under authority granted in this chapter based upon the following criteria: (i) Consideration shall be given to rental being paid to other lessors by lessees of similar property for similar purposes over similar periods of time; (ii) consideration shall be given to what would be considered a fair rate of return on the market value of the property leased less reasonable deductions for any restrictions on use, special operating requirements or provisions for concurrent use by the lessor, another person or the general public.

(3) "Product lease" as used in this chapter shall mean a lease of property for use in the production of agricultural or marine products to the extent that such lease provides for the contract rent to be paid by the delivery of a stated percentage of the production of such agricultural or marine products to the credit of the lessor or the payment to the lessor of a stated percentage of the proceeds from the sale of such products.

(4) "Renegotiated" means a change in the lease agreement which changes the agreed time of possession, restrictions on use, the rate of the cash rental or of any

other consideration payable by the lessee to or for the benefit of the lessor, other than any such change required by the terms of the lease or agreement. In addition "renegotiated" shall mean a continuation of possession by the lessee beyond the date when, under the terms of the lease agreement, the lessee had the right to vacate the premises without any further liability to the lessor.

(5) "City" means any city or town. [1986 c 285 § 1; 1979 ex.s. c 196 § 11; 1975-'76 2nd ex.s. c 61 § 2.]

**Effective date**—1979 ex.s. c 196: See note following RCW 82.04.240.

**82.29A.120 Allowable credits.** After computation of the taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040 there shall be allowed the following credits in determining the tax payable:

(1) With respect to a leasehold interest other than a product lease, executed with an effective date of April 1, 1986, or thereafter, or a leasehold interest in respect to which the department of revenue under the authority of RCW 82.29A.020 does adjust the contract rent base used for computing the tax provided for in RCW 82.29A.030, there shall be allowed a credit against the tax as otherwise computed equal to the amount, if any, that such tax exceeds the property tax that would apply to such leased property if it were privately owned.

(2) With respect to a product lease, a credit of thirty-three percent of the tax otherwise due. [1986 c 285 § 2; 1975-'76 2nd ex.s. c 61 § 12.]

**82.29A.160 Improvements not defined as contract rent taxable under Title 84 RCW.** Notwithstanding any other provision of this chapter, RCW 84.36.451 and 84.40.175, improvements owned or being acquired by contract purchase or otherwise by any lessee or sublessee which are not defined as contract rent shall be taxable to such lessee or sublessee under Title 84 RCW at their full true and fair value without any deduction for interests held by the lessor or others. [1986 c 251 § 1; 1975-'76 2nd ex.s. c 61 § 18.]

## Chapter 82.32

### GENERAL ADMINISTRATIVE PROVISIONS

#### Sections

82.32.390 Certain revenues to be deposited in water quality account.

**82.32.390 Certain revenues to be deposited in water quality account.** The department of revenue shall deposit into the water quality account all moneys received from the imposition on consumers of the taxes under chapters 82.08 and 82.12 RCW on the sales or use of articles of tangible personal property which become or are to become an ingredient or component of new or existing water pollution control facilities and activities, as defined in RCW 70.146.020, which received full or partial funding from the water quality account. [1986 c 3 § 15.]

**Severability**—1986 c 3: See RCW 70.146.900.

Effective dates—1986 c 3: See note following RCW 82.24.027.

**Chapter 82.38**  
**SPECIAL FUEL TAX ACT**

Sections

- 82.38.090 Special fuel dealers', special fuel suppliers', and special fuel users' licenses—Collection of tax.  
82.38.145 Repealed.

**82.38.090 Special fuel dealers', special fuel suppliers', and special fuel users' licenses—Collection of tax.** It shall be unlawful for any person to act as a special fuel dealer, a special fuel supplier or a special fuel user in this state unless such person is the holder of an uncanceled special fuel dealer's, a special fuel supplier's or a special fuel user's license issued to him by the department. A special fuel supplier's license authorizes a person to sell special fuel without collecting the special fuel tax to other suppliers and dealers holding valid special fuel licenses.

A special fuel dealer's license authorizes a person to deliver previously untaxed special fuel into the fuel supply tanks of motor vehicles, collect the special fuel tax on behalf of the state at the time of delivery, and remit the taxes collected to the state as provided herein. A licensed special fuel dealer may also deliver untaxed special fuel into bulk storage facilities of a licensed special fuel user without collecting the special fuel tax. Special fuel dealers and suppliers, when making deliveries of special fuel into bulk storage to any person not holding a valid special fuel license must collect the special fuel tax at time of delivery, unless the person to whom the delivery is made is specifically exempted from the tax as provided herein.

A special fuel user's license authorizes a person to purchase special fuel into bulk storage for use in motor vehicles either on or off the public highways of this state without payment of the special fuel tax at time of purchase. Holders of special fuel licenses are all subject to the bonding, reporting, tax payment, and record-keeping provisions of this chapter. All purchases of special fuel by a licensed special fuel user directly into the fuel supply tank of a motor vehicle are subject to the special fuel tax at time of purchase unless the purchaser has specific written authorization from the department as provided in RCW 82.38.040 or the purchase is made from an unattended keylock metered pump, cardtrol, or such similar dispensing devices. Persons utilizing special fuel for heating purposes only are not required to be licensed. [1986 c 29 § 2; 1979 c 40 § 5; 1971 ex.s. c 175 § 10.]

**82.38.145 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**Chapter 82.44**  
**MOTOR VEHICLE EXCISE TAX**

Sections

- 82.44.170 Computation of excise taxes when commingled with licensing fees. (Effective January 1, 1987.)

**82.44.170 Computation of excise taxes when commingled with licensing fees.** (Effective January 1, 1987.) For each IRP jurisdiction that cannot report to the director the sums of dollars that are collected for the motor vehicle excise tax pursuant to chapter 82.44 RCW separately from other vehicle licensing fees pursuant to RCW 46.16.070 and 46.16.085, the director shall compute such amount of equivalent fee or motor vehicle excise tax by determining, from the IRP vehicle registration recap information forwarded to the director by such jurisdiction, the proportionate amount that such tax represents of the total sum of fees and taxes collected by such jurisdiction. Each percentage so computed shall then be applied to future sums of collected fees and taxes forwarded by such jurisdiction, the result of which shall be distributed pursuant to RCW 82.44.110, until such time as such jurisdiction begins reporting excise tax amounts separately from other vehicle licensing fees. [1985 c 380 § 22.]

Effective date—1985 c 380: See note following RCW 46.87.010.

Severability—1985 c 380: See RCW 46.87.900.

**Chapter 82.45**  
**EXCISE TAX ON REAL ESTATE SALES**

Sections

- 82.45.032 "Real estate," "real property," "used mobile home," "mobile home," "used floating home," and "floating home" defined.

**82.45.032 "Real estate," "real property," "used mobile home," "mobile home," "used floating home," and "floating home" defined.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Real estate" or "real property" means real property but includes used mobile homes and used floating homes.

(2) "Used mobile home" means a mobile home which has been previously sold at retail and has been subjected to tax under chapter 82.08 RCW, or which has been previously used and has been subjected to tax under chapter 82.12 RCW, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.

(3) "Mobile home" means a mobile home as defined by RCW 46.04.302, as now or hereafter amended.

(4) "Used floating home" means a floating home in respect to which tax has been paid under chapter 82.08 or 82.12 RCW.



(5) "Floating home" means a building on a float used in whole or in part for human habitation as a single-family dwelling, which is not designed for self propulsion by mechanical means or for propulsion by means of wind, and which is on the property tax rolls of the county in which it is located. [1986 c 211 § 1; 1984 c 192 § 1; 1979 ex.s. c 266 § 1. Formerly RCW 28A.45.032.]

### Chapter 82.60

## TAX DEFERRALS FOR INVESTMENT PROJECTS IN DISTRESSED AREAS

#### Sections

82.60.020	Definitions.
82.60.040	Issuance of tax deferral certificate. (Expires July 1, 1991.)
82.60.065	Tax deferral on construction labor—Repayment forgiven.

**82.60.020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means a county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent.

(4)(a) "Eligible investment project" means that portion of an investment project which:

(i) Is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested; and

(ii) Either initiates a new operation, or expands or diversifies a current operation by expanding or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to improvement; or

(iii) Acquires machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure: *Provided*, That the lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

(b) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5) or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a

result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means new structures used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars. [1986 c 116 § 12; 1985 c 232 § 2.]

**Severability—1986 c 116:** See RCW 82.62.900.

**82.60.040 Issuance of tax deferral certificate. (Expires July 1, 1991.)** (1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project located in an eligible area.

(2) The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium. [1986 c 116 § 13; 1985 c 232 § 4.]

**Severability—1986 c 116:** See RCW 82.62.900.

**82.60.065 Tax deferral on construction labor—**  
**Repayment forgiven.** Notwithstanding any other provision of this chapter, taxes deferred under this chapter on the sale or use of labor that is directly used in the construction of an investment project for which a deferral has been granted under this chapter after June 11, 1986, need not be repaid. [1986 c 116 § 14.]

**Severability—1986 c 116:** See RCW 82.62.900.

### Chapter 82.61

#### TAX DEFERRALS FOR MANUFACTURING, RESEARCH, AND DEVELOPMENT PROJECTS

##### Sections

82.61.010	Definitions.
82.61.020	Application for deferral—Contents—Initiation of construction. (Expires July 1, 1988.)
82.61.030	Tax deferral—Eligibility. (Expires July 1, 1988.)
82.61.040	Expiration of RCW 82.61.020 and 82.61.030.
82.61.070	Reports.

**82.61.010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Person" has the meaning given in RCW 82.04.030.

(3) "Department" means the department of revenue.

(4) "Eligible investment project" means: (a) Construction of new buildings and the acquisition of related machinery and equipment when the buildings, machinery, and equipment are to be used for either manufacturing or research and development activities, which construction is commenced prior to December 31, 1988; or (b) acquisition prior to December 31, 1988, of machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure: *Provided*, That the lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and includes the production or fabrication of specially made or custom-made articles.

(6) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun.

(7) "Buildings" means only those new structures used for either manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw materials or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for

manufacturing or research and development purposes. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(8) "Machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery. For purposes of this definition, new machinery and equipment means either new to the taxing jurisdiction of the state or new to the certificate holder. Used machinery and equipment are eligible for deferral if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Recipient" means a person receiving a tax deferral under this chapter.

(11) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(12) "Operationally complete" means constructed or improved to the point of being functionally useable for the intended purpose.

(13) "Initiation of construction" means that date upon which on-site construction commences. [1986 c 116 § 9; 1985 ex.s. c 2 § 1.]

**Severability—1986 c 116:** See RCW 82.62.900.

**82.61.020 Application for deferral—Contents—**  
**Initiation of construction. (Expires July 1, 1988.)** Application for deferral of taxes under this chapter shall be made before initiation of the construction of the investment project or acquisition of equipment or machinery. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the investment project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department shall rule on the application within sixty days. A certificate holder shall initiate construction of the investment project within one hundred eighty days of receiving approval from the department and issuance of the tax deferral certificate. [1985 ex.s. c 2 § 2.]

**82.61.030 Tax deferral—Eligibility. (Expires July 1, 1988.)** A tax deferral certificate shall only be issued to persons who, on June 14, 1985, are not engaged in manufacturing or research and development activities within this state. For purposes of this section, a person shall not be considered to be engaged in manufacturing

or research and development activities where the only activities performed by such person in this state are sales, installation, repair, or promotional activities in respect to products manufactured outside this state. Any person who has succeeded by merger, consolidation, incorporation or any other form or change of identity to the business of a person engaged in manufacturing or research and development activities in this state on June 14, 1985, and any person who is a subsidiary of a person engaged in manufacturing or research and development activities in this state on June 14, 1985, shall also be ineligible to receive a tax deferral certificate. [1985 ex.s. c 2 § 3.]

**82.61.040 Expiration of RCW 82.61.020 and 82.61.030.** RCW 82.61.020 and 82.61.030 shall expire July 1, 1988. [1986 c 116 § 10; 1985 ex.s. c 2 § 8.]

**Severability—1986 c 116:** See RCW 82.62.900.

**82.61.070 Reports.** The department and the department of trade and economic development shall jointly report to the legislature about the effects of this chapter on new manufacturing and research and development activities in this state. The report shall contain information concerning the number of deferral certificates granted, the amount of sales tax deferred, the number of jobs created and other information useful in measuring such effects. Reports shall be submitted by January 1, 1986, and by January 1 of each year through 1989. [1986 c 116 § 11; 1985 ex.s. c 2 § 6.]

**Severability—1986 c 116:** See RCW 82.62.900.

## Chapter 82.62

### TAX CREDITS FOR ELIGIBLE BUSINESS PROJECTS

Sections	
82.62.010	Definitions.
82.62.020	Application for tax credits—Contents. (Expires July 1, 1988.)
82.62.030	Allowance of tax credits—Limitations. (Expires July 1, 1988.)
82.62.040	Expiration of RCW 82.62.020 and 82.62.030.
82.62.050	Tax credit recipients to report to department—Payment of taxes and interest by ineligible recipients.
82.62.060	Employment security department to make employment and wage determinations.
82.62.070	Applicability of general administrative provisions.
82.62.900	Severability—1986 c 116.
82.62.901	Effective date—1986 c 116 §§ 15–20.

**82.62.010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means a county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility: *Provided*, That the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars. [1986 c 116 § 15.]

**82.62.020 Application for tax credits—Contents. (Expires July 1, 1988.)** Application for tax credits under this chapter must be made before the actual hiring of qualified employment positions. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the business project, the applicant's average employment, if any, at the facility for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department shall rule on the application within sixty days. [1986 c 116 § 16.]

**82.62.030 Allowance of tax credits—Limitations.** (Expires July 1, 1988.) (1) A person shall be allowed a credit against the tax due under chapter 82.04 RCW of an amount equal to one thousand dollars for each qualified employment position directly created in an eligible business project.

(2) The department shall keep a running total of all credits granted under this chapter during each fiscal biennium. The department shall not allow any credits which would cause the tabulation for a biennium to exceed fifteen million dollars. If all or part of an application for credit is disallowed under this subsection, the disallowed portion shall be carried over for approval the next biennium. However, the applicant's carryover into the next biennium is only permitted if the tabulation for the next biennium does not exceed fifteen million dollars as of the date on which the department has disallowed the application.

(3) No recipient is eligible for tax credits in excess of three hundred thousand dollars.

(4) No recipient may use the tax credits to decertify a union or to displace existing jobs in any community in the state.

(5) No recipient may receive a tax credit on taxes which have not been paid during the taxable year. [1986 c 116 § 17.]

**82.62.040 Expiration of RCW 82.62.020 and 82.62.030.** RCW 82.62.020 and 82.62.030 shall expire July 1, 1988. [1986 c 116 § 22.]

**82.62.050 Tax credit recipients to report to department—Payment of taxes and interest by ineligible recipients.** (1) Each recipient shall submit a report to the department on December 31st of each year. The report shall contain information, as required by the department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of taxes for which a credit has been used to be immediately assessed and payable.

(2) If, on the basis of a report under this section or other information, the department finds that a business project is not eligible for tax credit under this chapter for reasons other than failure to create the required number of qualified employment positions, the amount of taxes for which a credit has been used for the project shall be immediately due.

(3) If, on the basis of a report under this section or other information, the department finds that a business project has failed to create the specified number of qualified employment positions, the department shall assess interest, but not penalties, on the credited taxes for which a credit has been used for the project. The interest shall be assessed at the rate provided for delinquent excise taxes, shall be assessed retroactively to the date of the tax credit, and shall accrue until the taxes for which a credit has been used are repaid. [1986 c 116 § 18.]

**82.62.060 Employment security department to make employment and wage determinations.** The employment security department shall make, and certify to the department of revenue, all determinations of employment and wages required under this chapter. [1986 c 116 § 19.]

**82.62.070 Applicability of general administrative provisions.** Chapter 82.32 RCW applies to the administration of this chapter. [1986 c 116 § 20.]

**82.62.900 Severability—1986 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. [1986 c 116 § 23.]

**82.62.901 Effective date—1986 c 116 §§ 15–20.** Sections 15 through 20 of this act are 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, 1986. [1986 c 116 § 24.]

**Reviser's note:** "Sections 15 through 20 of this act" consist of the enactment of RCW 82.62.010, 82.62.020, 82.62.030, 82.62.050, 82.62.060, and 82.62.070.

## Title 83 ESTATE TAXATION

### Chapters

- 83.100** Estate and transfer tax reform act.
- 83.110** Uniform estate tax apportionment act.

### Chapter 83.100

#### ESTATE AND TRANSFER TAX REFORM ACT

##### Sections

- 83.100.050 Tax reports—Date to be filed—Extensions.
- 83.100.080 Department to issue release—Final settlement of account.

**83.100.050 Tax reports—Date to be filed—Extensions.** (1) The personal representative of every estate subject to the tax imposed by this chapter who is required by the laws of the United States to file a federal estate tax return shall file with the department on or before the date the federal estate tax return is required to be filed, including any extension of time for filing the federal estate tax return:

- (a) A report for the taxes due under this chapter; and
- (b) A true copy of the federal estate tax return.

(2) If the personal representative has obtained an extension of time for filing the federal return, the filing required by subsection (1) of this section shall be similarly extended until the end of the time period granted in the extension of time for the federal return. A true copy of the extension shall be filed with the department within thirty days of issuance.

(3) No Washington report need be filed if the estate is not subject to the tax imposed by this chapter. [1986 c 44 § 1; 1981 2nd ex.s. c 7 § 83.100.050 (Initiative Measure No. 402, approved November 3, 1981).]

**83.100.080 Department to issue release—Final settlement of account.** (1) The department shall issue an automatic release to the personal representative when the taxes due under this chapter have been paid as prescribed in RCW 83.100.050, and the request for a release includes the sworn statement of the personal representative that in fact all taxes due have been paid.

(2) The obtaining of this release shall give to the personal representative sufficient authority to effectuate the transfer of all property composing the decedent's estate. [1986 c 44 § 2; 1981 2nd ex.s. c 7 § 83.100.080 (Initiative Measure No. 402, approved November 3, 1981).]

### Chapter 83.110

#### UNIFORM ESTATE TAX APPORTIONMENT ACT

##### Sections

83.110.010	Definitions.
83.110.020	Apportionment of tax.
83.110.030	Apportionment procedure.
83.110.040	Collection of tax from persons interested in the estate—Security.
83.110.050	Allowance for exemptions, deductions, and credits.
83.110.060	Apportionment between temporary and remainder interests prohibited.
83.110.070	Time for recovery of tax from persons interested in the estate—Exoneration of fiduciary—Recovery of uncollectible taxes.
83.110.080	Action by nonresident—Reciprocity.
83.110.090	Coordination with federal law.
83.110.900	Construction.
83.110.901	Short title.
83.110.902	Captions.
83.110.903	Application.
83.110.904	Severability—1986 c 63.

**83.110.010 Definitions.** As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Estate" means the gross estate of a decedent as determined for the purpose of federal estate tax and the estate tax payable to this state;

(2) "Fiduciary" means executor, administrator of any description, and trustee;

(3) "Person" means any individual, partnership, association, joint stock company, corporation, government, political subdivision, governmental agency, or local governmental agency;

(4) "Person interested in the estate" means any person, including a personal representative, guardian, or trustee, entitled to receive, or who has received, from a decedent while alive or by reason of the death of a decedent any property or interest therein included in the decedent's taxable estate;

(5) "State" means any state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico; and

(6) "Tax" means the federal estate tax and the estate tax payable to this state and interest and penalties imposed in addition to the tax. [1986 c 63 § 1.]

**83.110.020 Apportionment of tax.** Except as provided in RCW 83.110.090 and unless the will otherwise provides, the tax shall be apportioned among all persons interested in the estate. The apportionment shall be made in the proportion that the value of the interest of each person interested in the estate bears to the total value of the interests of all persons interested in the estate. The values used in determining the tax shall be used for that purpose. [1986 c 63 § 2.]

**83.110.030 Apportionment procedure.** (1) The court having jurisdiction over the administration of the estate of a decedent shall determine the apportionment of the tax. If there are no probate proceedings, the court of the county wherein the decedent was domiciled at death shall determine the apportionment of the tax upon the application of the person required to pay the tax.

(2) If the court finds that it is inequitable to apportion interest and penalties in the manner provided in this chapter because of special circumstances, it may direct apportionment thereon in the manner it finds equitable.

(3) The expenses reasonably incurred by any fiduciary and by other persons interested in the estate in connection with the determination of the amount and apportionment of the tax shall be apportioned as provided in RCW 83.110.020 and charged and collected as a part of the tax apportioned. If the court finds it is inequitable to apportion the expenses as provided in RCW 83.110.020, it may direct apportionment thereof equitably.

(4) If the court finds that the assessment of penalties and interest is due to delay caused by the negligence of the fiduciary, the court may charge the fiduciary with the amount of the assessed penalties and interest.

(5) In any suit or judicial proceeding to recover from any person interested in the estate the amount of the tax apportioned to the person in accordance with this chapter, the determination of the court in respect thereto is prima facie correct. [1986 c 63 § 3.]

**83.110.040 Collection of tax from persons interested in the estate—Security.** (1) The fiduciary or other person required to pay the tax may withhold from any property of the decedent in his or her possession, distributable to any person interested in the estate, the amount of tax attributable to his or her interest. If the property in possession of the fiduciary or other person required to pay the tax and distributable to any person interested in the estate is insufficient to satisfy the proportionate amount of the tax determined to be due from the person, the fiduciary or other person required to pay the tax may recover the deficiency from the person interested in the estate. If the property is not in the possession of the fiduciary or other person required to pay the tax, the fiduciary or the other person required to pay the tax may recover from any person interested in the estate the amount of the tax apportioned to the person in accordance with this chapter.

(2) If property held by the fiduciary or other person is distributed prior to final apportionment of the tax, the fiduciary or other person may require the distributee to provide a bond or other security for the apportionment liability in the form and amount prescribed by the fiduciary, with the approval of the court having jurisdiction of the administration of the estate. [1986 c 63 § 4.]

**83.110.050 Allowance for exemptions, deductions, and credits.** (1) In making an apportionment, allowances shall be made for any exemptions granted, any classification made of persons interested in the estate, and any deductions and credits allowed by the law imposing the tax.

(2) Any exemption or deduction allowed by reason of the relationship of any person to the decedent or by reason of the purposes of the gift inures to the benefit of the person bearing that relationship or receiving the gift. When an interest is subject to a prior present interest which is not allowable as a deduction, the tax apportionable against the present interest shall be paid from principal.

(3) Any deduction for property previously taxed and any credit for gift taxes or death taxes of a foreign country paid by the decedent or the decedent's estate inures to the proportionate benefit of all persons liable to apportionment.

(4) Any credit for inheritance, succession, or estate taxes or taxes in the nature thereof in respect to property or interests includable in the estate inures to the benefit of the persons or interests chargeable with the payment thereof to the extent that or in proportion that the credit reduces the tax.

(5) To the extent that property passing to or in trust for a surviving spouse or any charitable, public, or similar gift or bequest does not constitute an allowable deduction for purposes of the tax solely by reason of an inheritance tax or other death tax imposed upon and deductible from the property, the property shall not be included in the computation provided for in this chapter, and to that extent no apportionment shall be made against the property. This does not apply in any instance where the result under section 2053(d) of the Internal Revenue Code of 1954 of the United States relates to deduction for state death taxes on transfers for public, charitable, or religious uses. [1986 c 63 § 5.]

**83.110.060 Apportionment between temporary and remainder interests prohibited.** No interest in income and no estate for years or for life or other temporary interest in any property or fund is subject to apportionment as between the temporary interest and the remainder. The tax on the temporary interest and the tax, if any, on the remainder is chargeable against the corpus of the property or funds subject to the temporary interest and remainder. [1986 c 63 § 6.]

**83.110.070 Time for recovery of tax from persons interested in the estate—Exoneration of fiduciary—Recovery of uncollectible taxes.** Neither the fiduciary

nor other person required to pay the tax is under any duty to institute any suit or proceeding to recover from any person interested in the estate the amount of the tax apportioned to that person until the expiration of the three months next following final determination of the tax. A fiduciary or other person required to pay the tax who institutes the suit or proceeding within a reasonable time after the three months' period is not subject to any liability or surcharge because any portion of the tax apportioned to any person interested in the estate was collectible at a time following the death of the decedent but thereafter became uncollectible. If the fiduciary or other person required to pay the tax cannot collect from any person interested in the estate the amount of the tax apportioned to the person, the amount not recoverable shall be paid from the residuary estate. To the extent that the residuary estate is not adequate, the balance shall be equitably apportioned among the other persons interested in the estate who are subject to apportionment. [1986 c 63 § 7.]

**83.110.080 Action by nonresident—Reciprocity.** Subject to this section a fiduciary acting in another state or a person required to pay the tax who is domiciled in another state may institute an action in the courts of this state and may recover a proportionate amount of the federal estate tax or an estate tax payable to another state or of a death duty due by a decedent's estate to another state from a person interested in the estate who is either domiciled in this state or who owns property in this state subject to attachment or execution. For the purposes of the action the determination of apportionment by the court having jurisdiction of the administration of the decedent's estate in the other state is prima facie correct. The provisions of this section apply only if the state in which the determination of apportionment was made affords a substantially similar remedy. [1986 c 63 § 8.]

**83.110.090 Coordination with federal law.** If the liabilities of persons interested in the estate as prescribed by this chapter differ from those which result under the federal estate tax law, the liabilities imposed by the federal law will control and the balance of this chapter shall apply as if the resulting liabilities had been prescribed in this chapter. Nothing in this chapter affects the right of a personal representative to recover payments due an estate pursuant to the provisions of section 2207A of the Internal Revenue Code of 1954. [1986 c 63 § 9.]

**83.110.900 Construction.** This chapter shall be construed to effectuate its general purpose to make uniform the law of those states which enact it. [1986 c 63 § 10.]

**83.110.901 Short title.** This chapter may be cited as the uniform estate tax apportionment act. [1986 c 63 § 11.]

**83.110.902 Captions.** As used in this chapter, section captions constitute no part of the law. [1986 c 63 § 13.]

**83.110.903 Application.** This chapter does not apply to taxes due on account of the death of decedents dying prior to January 1, 1987. [1986 c 63 § 14.]

**83.110.904 Severability—1986 c 63.** 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. [1986 c 63 § 12.]

**Title 84  
PROPERTY TAXES**

**Chapters**

- 84.08 General powers and duties of department of revenue.**
- 84.26 Historic property.**
- 84.33 Timber and forest lands.**
- 84.36 Exemptions.**
- 84.40 Listing of property.**
- 84.52 Levy of taxes.**
- 84.55 Limitations upon regular property taxes.**
- 84.64 Certificates of delinquency.**

**Chapter 84.08  
GENERAL POWERS AND DUTIES OF  
DEPARTMENT OF REVENUE**

**Sections**

84.08.200 Recodified as RCW 84.40.065.

**84.08.200 Recodified as RCW 84.40.065.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**Chapter 84.26  
HISTORIC PROPERTY**

**Sections**

- 84.26.020 Definitions.
- 84.26.030 Special valuation criteria.
- 84.26.040 Application—Fees.
- 84.26.050 Referral of application to local review board—  
Agreement—Approval or denial.
- 84.26.070 Valuation.
- 84.26.080 Duration of special valuation—Notice of  
disqualification.
- 84.26.090 Disqualification for valuation—Additional tax—  
Lien—Exceptions from additional tax.

**84.26.020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Historic property" means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is:

(a) Listed in a local register of historic places created by comprehensive ordinance, certified by the secretary of the interior as provided in P.L. 96-515; or

(b) Listed in the national register of historic places.

(2) "Cost" means the actual cost of rehabilitation, which cost shall be at least twenty-five percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

(3) "Special valuation" means the determination of the assessed value of the historic property subtracting, for up to ten years, such cost as is approved by the local review board.

(4) "State review board" means the advisory council on historic preservation established under chapter 27.34 RCW, or any successor agency designated by the state to act as the state historic preservation review board under federal law.

(5) "Local review board" means a local body designated by the local legislative authority.

(6) "Owner" means the owner of record.

(7) "Rehabilitation" is the process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its architectural and cultural values. [1986 c 221 § 1; 1985 c 449 § 2.]

**84.26.030 Special valuation criteria.** Four criteria must be met for special valuation under this chapter. The property must:

(1) Be an historic property;

(2) Fall within a class of historic property determined eligible for special valuation by the local legislative authority;

(3) Be rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) within twenty-four months prior to the application for special valuation; and

(4) Be protected by an agreement between the owner and the local review board as described in RCW 84.26.050(2). [1986 c 221 § 2; 1985 c 449 § 3.]

**84.26.040 Application—Fees.** An owner of property desiring special valuation under this chapter shall apply to the assessor of the county in which the property is located upon forms prescribed by the department of revenue and supplied by the county assessor. The application form shall include a statement that the applicant is aware of the potential tax liability involved when the property ceases to be eligible for special valuation. Applications shall be made no later than October 1 of the calendar year preceding the first assessment year for which classification is requested. The assessor may charge only such fees as are necessary to process and record documents pursuant to this chapter. [1986 c 221 § 3; 1985 c 449 § 4.]

**84.26.050 Referral of application to local review board—Agreement—Approval or denial.** (1) Within ten days after the filing of the application in the county assessor's office, the county assessor shall refer each application for classification to the local review board.

(2) The review board shall approve the application if the property meets the criterion of RCW 84.26.030 and

is not altered in a way which adversely affects those elements which qualify it as historically significant, and the owner enters into an agreement with the review board which requires the owner for the ten-year period of the classification to:

(a) Monitor the property for its continued qualification for the special valuation;

(b) Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement;

(c) Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public right of way;

(d) Apply to the local review board for approval or denial of any demolition or alteration; and

(e) Comply with any other provisions in the original agreement as may be appropriate.

(3) Once an agreement between an owner and a review board has become effective pursuant to this chapter, there shall be no changes in standards of maintenance, public access, alteration, or report requirements, or any other provisions of the agreement, during the period of the classification without the approval of all parties to the agreement.

(4) An application for classification as an eligible historic property shall be approved or denied by the local review board before December 31 of the calendar year in which the application is made.

(5) The local review board is authorized to examine the records of applicants. [1986 c 221 § 4; 1985 c 449 § 5.]

**84.26.070 Valuation.** (1) The county assessor shall, for ten consecutive assessment years following the calendar year in which application is made, place a special valuation on property classified as eligible historic property.

(2) The entitlement of property to the special valuation provisions of this section shall be determined as of January 1. If property becomes disqualified for the special valuation for any reason, the property shall receive the special valuation for that part of any year during which it remained qualified or the owner was acting in the good faith belief that the property was qualified.

(3) At the conclusion of special valuation, the cost shall be considered as new construction. [1986 c 221 § 5; 1985 c 449 § 7.]

**84.26.080 Duration of special valuation—Notice of disqualification.** (1) When property has once been classified and valued as eligible historic property, it shall remain so classified and be granted the special valuation provided by RCW 84.26.070 for ten years or until the property is disqualified by:

(a) Notice by the owner to the assessor to remove the special valuation;

(b) Sale or transfer to an ownership making it exempt from property taxation; or

(c) Removal of the special valuation by the assessor upon determination by the local review board that the property no longer qualifies as historic property or that

the owner has failed to comply with the conditions established under RCW 84.26.050.

(2) The sale or transfer to a new owner or transfer by reason of death of a former owner to a new owner does not disqualify the property from the special valuation provided by RCW 84.26.070 if:

(a) The property continues to qualify as historic property; and

(b) The new owner files a notice of compliance with the assessor of the county in which the property is located. Notice of compliance forms shall be prescribed by the state department of revenue and supplied by the county assessor. The notice shall contain a statement that the new owner is aware of the special valuation and of the potential tax liability involved when the property ceases to be valued as historic property under this chapter. The signed notice of compliance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.120. If the notice of compliance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to RCW 84.26.090 shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of specially valued historic property for filing or recording unless the new owner has signed the notice of compliance or the additional tax has been paid.

(3) When the property ceases to qualify for the special valuation the owner shall immediately notify the state or local review board.

(4) Before the additional tax or penalty imposed by RCW 84.26.090 is levied, in the case of disqualification, the assessor shall notify the taxpayer by mail, return receipt requested, of the disqualification. [1986 c 221 § 6; 1985 c 449 § 8.]

**84.26.090 Disqualification for valuation—Additional tax—Lien—Exceptions from additional tax.**

(1) Except as provided in subsection (3) of this section, whenever property classified and valued as eligible historic property under RCW 84.26.070 becomes disqualified for the valuation, there shall be added to the tax an additional tax equal to:

(a) The cost multiplied by the levy rate in each year the property was subject to special valuation; plus

(b) Interest on the amounts of the additional tax at the statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the property had not been valued as historic property under this chapter; plus

(c) A penalty equal to twelve percent of the amount determined in (a) and (b) of this subsection.

(2) The additional tax and penalties, together with applicable interest thereon, shall become a lien on the property which shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the property may become charged or liable.

(3) The additional tax, interest, and penalty shall not be imposed if the disqualification resulted solely from:



- (a) Sale or transfer of the property to an ownership making it exempt from taxation;
- (b) Alteration or destruction through no fault of the owner; or
- (c) A taking through the exercise of the power of eminent domain. [1986 c 221 § 7; 1985 c 449 § 9.]

### Chapter 84.33

#### TIMBER AND FOREST LANDS

Sections	
84.33.035	Definitions.
84.33.073	Definitions.
84.33.078	Sale of timber on nonfederally owned public land— Notice of sale or prospectus to indicate tax treatment.
84.33.120	Forest land valuation—Assessor to list forest land at grade and class values—Computation of assessed value—Adjustment of values—Certification— Use—Notice of continuance—Appeals—Re- moval of classification—Compensating tax.
84.33.130	Forest land valuation—Application by owner that land be designated and valued as forest land— Hearing—Denial of application—Appeal.
84.33.140	Forest land valuation—Notation of forest land desig- nation upon assessment and tax rolls—Notice of continuance—Removal of designation—Compen- sating tax.
84.33.145	Compensating tax—Deferral upon application for classification under RCW 84.34.020 (2) or (3)— Computation of tax.
84.33.175	Application of tax—Sale of land to governmental agency with reservation of rights to timber—Con- veyance by governmental agency of trees.

**84.33.035 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Composite property tax rate" for a county means the total amount of property taxes levied upon forest lands by all taxing districts in the county other than the state, divided by the total assessed value of all forest land in the county.

(2) "Forest land" means forest land which is classified or designated forest land under this chapter.

(3) "Harvested" means the time when in the ordinary course of business the quantity of timber by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(4) "Harvester" means every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or for commercial or industrial use: *Provided*, That whenever the United States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein so fells, cuts, or takes timber for sale or for commercial or industrial use, the harvester is the first person other than the United States or any instrumentality thereof, the state, including its departments

and institutions and political subdivisions, or any municipal corporation therein, who acquires title to or a possessory interest in such timber. The term "harvester" does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(5) "Stumpage value of timber" means the appropriate stumpage value shown on tables prepared by the department of revenue under RCW 84.33.091, provided that for timber harvested from public land and sold under a competitive bidding process, stumpage value shall mean that actual amount paid to the seller in cash or other consideration. Whenever payment for the stumpage includes considerations other than cash, the value shall be the fair market value of the other consideration, provided that if the other consideration is permanent roads, the value of the roads shall be the appraised value as appraised by the seller.

(6) "Timber" means forest trees, standing or down, on privately or publicly owned land, and except as provided in RCW 84.33.170 includes Christmas trees.

(7) "Timber assessed value" for a county means a value, calculated by the department of revenue before October 1 of each year, equal to the total stumpage value of timber harvested from privately owned land in the county during the most recent four calendar quarters for which the information is available multiplied by a ratio. The numerator of the ratio is the rate of tax imposed by the county under RCW 84.33.051 for the year of the calculation. The denominator of the ratio is the composite property tax rate for the county for taxes due in the year of the calculation, expressed as a percentage of assessed value.

(8) "Timber assessed value" for a taxing district means the timber assessed value for the county multiplied by a ratio. The numerator of the ratio is the total assessed value of forest land in the taxing district. The denominator is the total assessed value of forest land in the county. As used in this section, "assessed value of forest land" means the assessed value of forest land for taxes due in the year the timber assessed value for the county is calculated. [1986 c 315 § 1; 1984 c 204 § 1.]

**Savings—1984 c 204:** "This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections." [1984 c 204 § 48.]

**Effective date—1984 c 204:** "This act shall take effect July 1, 1984." [1984 c 204 § 49.]

**84.33.073 Definitions.** As used in RCW 84.33.073 and 84.33.074, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Small harvester" means every person who from his own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or for commercial or industrial use in an amount not exceeding five hundred thousand board feet in a calendar quarter and not exceeding one million board feet in a calendar year: *Provided*, That whenever the United

States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein so fells, cuts, or takes timber for sale or for commercial or industrial use, not exceeding these amounts, the small harvester is the first person other than the United States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein, who acquires title to or a possessory interest in such timber. "Small harvester" does not include persons performing under contract the necessary labor or mechanical services for a harvester, and it does not include harvesters of forest products classified by the department of revenue as special forest products including Christmas trees, posts, shake boards and bolts, and shingle blocks.

(2) "Timber" means forest trees, standing or down, on privately or publicly owned land.

(3) "Harvesting and marketing costs" means only those costs directly associated with harvesting the timber from the land and delivering it to the buyer and may include the costs of disposing of logging residues but it does not include any other costs which are not directly and exclusively related to harvesting and marketing of the timber such as costs of permanent roads or costs of reforesting the land following harvest. [1986 c 315 § 2; 1982 2nd ex.s. c 4 § 3; 1981 c 146 § 1.]

**Effective date—Applicability—1982 2nd ex.s. c 4:** "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 August 1, 1982. This 1982 amendatory act shall not be construed to affect timber contracts in effect on the effective date of this 1982 amendatory act." [1982 2nd ex.s. c 4 § 4.]

**Effective date—1981 c 146:** "This act shall take effect January 1, 1982." [1981 c 146 § 3.]

**Severability—1981 c 146:** "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." [1981 c 146 § 4.]

**84.33.078 Sale of timber on nonfederally owned public land—Notice of sale or prospectus to indicate tax treatment.** When any timber standing on public land, other than federally owned land, is sold separate from the land, the department of natural resources or other governmental unit, as appropriate, shall state in its notice of the sale or prospectus that timber sold separate from the land is subject to property tax and that the amount of the tax paid may be used as a credit against any tax imposed with respect to business of harvesting timber from publicly owned land under RCW 84.33.041. [1986 c 65 § 1; 1984 c 204 § 22; 1983 1st ex.s. c 62 § 9.]

**Savings—Effective date—1984 c 204:** See notes following RCW 84.33.035.

**Short title—Intent—Effective dates—Applicability—1983 1st ex.s. c 62:** See notes following RCW 84.36.473.

**84.33.120 Forest land valuation—Assessor to list forest land at grade and class values—Computation of assessed value—Adjustment of values—Certification—Use—Notice of continuance—Appeals—**

**Removal of classification—Compensating tax.** (1) In preparing the assessment rolls as of January 1, 1982, for taxes payable in 1983 and each January 1st thereafter, the assessor shall list each parcel of forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (2) of this section and shall compute the assessed value of the land by using the same assessment ratio he applies generally in computing the assessed value of other property in his county. Values for the several grades of bare forest land shall be as follows.

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
1	1	\$141
	2	136
	3	131
	4	95
2	1	118
	2	114
	3	110
	4	80
3	1	93
	2	90
	3	87
	4	66
4	1	70
	2	68
	3	66
	4	52
5	1	51
	2	48
	3	46
	4	31
6	1	26
	2	25
	3	25
	4	23
7	1	12
	2	12
	3	11
	4	11
8		1

(2) On or before December 31, 1981, the department shall adjust, by rule under chapter 34.04 RCW, the forest land values contained in subsection (1) of this section in accordance with this subsection, and shall certify these adjusted values to the county assessor for his use in preparing the assessment rolls as of January 1, 1982. For the adjustment to be made on or before December 31, 1981, for use in the 1982 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1976, and June 30, 1981, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1975, and June 30, 1980, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(c) Adjust the forest land values contained in subsection (1) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

For the adjustments to be made on or before December 31, 1982, and each succeeding year thereafter, the same procedure shall be followed as described in this subsection utilizing harvester excise tax returns filed under RCW 82.04.291 and this chapter except that this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(3) In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him by the department of revenue, and he shall compute the assessed value of such land by using the same assessment ratio he applies generally in computing the assessed value of other property in his county. In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to RCW 84.33.120(4) or 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW.

(4) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and

shall act upon the application in the manner prescribed in subsection (3) of RCW 84.33.130.

(5) Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events:

(a) Receipt of notice from the owner to remove such land from classification as forest land;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber;

(d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard;

(e) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land classification continuance. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.120, as now or hereafter amended. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (7) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (7) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals.

The assessor shall remove classification pursuant to subsections (c) or (d) above prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of subsection (a), (b), (d), or (e) above shall apply only to the land affected, and upon occurrence of subsection (c) shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber: *Provided*, That any remaining classified forest land meets necessary definitions of forest land pursuant to RCW 84.33.100 as now or hereafter amended.

(6) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (4) of this section or RCW 84.33.130.

The seller, transferor, or owner may appeal such removal to the county board of equalization.

(7) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsections (5)(e) and (9) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection (3) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to:

(a) The difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by

(b) A number, in no event greater than ten, equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as forest land.

(8) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from classification as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(9) The compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land;

(d) A donation of development rights, or the right to harvest timber, to a government agency or organization

qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections or the sale or transfer of fee title to a governmental entity or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: *Provided*, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (7) of this section shall be imposed upon the current owner.

(10) With respect to any land that has been designated prior to May 6, 1974, pursuant to RCW 84.33.120(4) or 84.33.130, the assessor may, prior to January 1, 1975, on his own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW 84.33.140, the status of such designated land to classified forest land. [1986 c 238 § 1; 1984 c 204 § 23; 1981 c 148 § 7; 1980 c 134 § 2; 1974 ex.s. c 187 § 5; 1972 ex.s. c 148 § 5; 1971 ex.s. c 294 § 12.]

**Savings—Effective date—1984 c 204:** See notes following RCW 84.33.035.

**Purpose—Severability—Effective dates—1981 c 148:** See notes following RCW 84.33.110.

**Severability—1974 ex.s. c 187:** See note following RCW 84.33.110.

**84.33.130 Forest land valuation—Application by owner that land be designated and valued as forest land—Hearing—Denial of application—Appeal.**

(1) An owner of land desiring that it be designated as forest land and valued pursuant to RCW 84.33.120 as of January 1 of any year commencing with 1972 shall make application to the county assessor before such January 1.

(2) The application shall be made upon forms prepared by the department of revenue and supplied by the county assessor, and shall include the following:

(a) A legal description of or assessor's tax lot numbers for all land the applicant desires to be designated as forest land;

(b) The date or dates of acquisition of such land;

(c) A brief description of the timber on such land, or if the timber has been harvested, the owner's plan for restocking;

(d) Whether there is a forest management plan for such land;

(e) If so, the nature and extent of implementation of such plan;

(f) Whether such land is used for grazing;

(g) Whether such land has been subdivided or a plat filed with respect thereto;

(h) Whether such land and the applicant are in compliance with the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;

(i) Whether such land is subject to forest fire protection assessments pursuant to RCW 76.04.610;

(j) Whether such land is subject to a lease, option or other right which permits it to be used for any purpose other than growing and harvesting timber;

(k) A summary of the past experience and activity of the applicant in growing and harvesting timber;

(l) A summary of current and continuing activity of the applicant in growing and harvesting timber;

(m) A statement that the applicant is aware of the potential tax liability involved when such land ceases to be designated as forest land;

(n) An affirmation that the statements contained in the application are true and that the land described in the application is, by itself or with other forest land not included in the application, in contiguous ownership of twenty or more acres which is primarily devoted to and used for growing and harvesting timber.

The assessor shall afford the applicant an opportunity to be heard if the application so requests.

(3) The assessor shall act upon the application with due regard to all relevant evidence and without any one or more items of evidence necessarily being determinative, except that the application may be denied for one of the following reasons, without regard to other items:

(a) The land does not contain either a "merchantable stand of timber" or an "adequate stocking" as defined in \*RCW 76.08.010, or any laws or regulations adopted to replace such minimum standards, except this reason (a) shall not alone be sufficient for denial of the application (i) if such land has been recently harvested or supports a growth of brush or noncommercial type timber, and the application includes a plan for restocking within three years or such longer period necessitated by unavailability of seed or seedlings, or (ii) if only isolated areas within such land do not meet such minimum standards due to rock outcroppings, swamps, unproductive soil or other natural conditions;

(b) The applicant, with respect to such land, has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;

(c) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling such ordinary high tide line and two hundred feet horizontally landward therefrom, except that if the higher and better use determined by the assessor to exist for such land would not be permitted or economically feasible by virtue of any federal, state or local law or regulation such land shall be assessed and valued pursuant to the procedures set forth in RCW 84.33.110 and RCW 84.33.120 without being designated. The application shall be deemed to have been approved unless, prior to May 1, of the year after such application was mailed or delivered to the assessor, he shall notify the applicant in writing of the extent to which the application is denied.

(4) An owner who receives notice pursuant to subsection (3) of this section that his application has been denied may appeal such denial to the county board of

equalization. [1986 c 100 § 57; 1981 c 148 § 8; 1974 ex.s. c 187 § 6; 1971 ex.s. c 294 § 13.]

\*Reviser's note: RCW 76.08.010 was repealed by 1974 ex.s. c 137 § 34. See RCW 76.09.915.

Purpose—Severability—Effective dates—1981 c 148: See notes following RCW 84.33.110.

Severability—1974 ex.s. c 187: See note following RCW 84.33.110.

**84.33.140 Forest land valuation—Notation of forest land designation upon assessment and tax rolls—Notice of continuance—Removal of designation—Compensating tax.** (1) When land has been designated as forest land pursuant to RCW 84.33.120(4) or 84.33.130, a notation of such designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove such designation;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land designation continuance. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.120, as now or hereafter amended. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that (i) such land is no longer primarily devoted to and used for growing and harvesting timber, (ii) such owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder, or (iii) restocking has not occurred to the extent or within the time specified in the application for designation of such land.

Removal of designation upon occurrence of any of subsections (a) through (c) above shall apply only to the land affected, and upon occurrence of subsection (d)

shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same application and approval for designation: *Provided*, That any remaining designated forest land meets necessary definitions of forest land pursuant to RCW 84.33.100 as now or hereafter amended.

(2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (5) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to:

(a) The difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by

(b) A number, in no event greater than ten, equal to the number of years for which such land was designated as forest land.

(4) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land;

(d) A donation of development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections or the sale or transfer of fee title to a governmental entity or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: *Provided*, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (3) of this section shall be imposed upon the current owner. [1986 c 238 § 2; 1981 c 148 § 9; 1980 c 134 § 3; 1974 ex.s. c 187 § 7; 1973 1st ex.s. c 195 § 93; 1972 ex.s. c 148 § 6; 1971 ex.s. c 294 § 14.]

**Purpose—Severability—Effective dates—1981 c 148:** See notes following RCW 84.33.110.

**Severability—1974 ex.s. c 187:** See note following RCW 84.33.110.

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

**84.33.145 Compensating tax—Deferral upon application for classification under RCW 84.34.020 (2) or (3)—Computation of tax.** (1) If no later than thirty days after removal of classification or designation the owner applies for classification under RCW 84.34.020 (2) or (3), then the classified or designated forest land shall not be considered removed from classification or designation for purposes of the compensating tax under RCW 84.33.120 or 84.33.140 until the application for current use classification under RCW 84.34.030 is denied or the property is removed from designation under RCW 84.34.108. Upon removal from designation under RCW 84.34.108, the amount of compensating tax due under this chapter shall be equal to:

(a) The difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land when removed from designation under RCW 84.34.108 multiplied by the dollar rate of the last levy extended against such land, multiplied by

(b) A number equal to:

(i) The number of years the land was classified or designated under this chapter, if the total number of years the land was classified or designated under this chapter and classified under chapter 84.34 RCW is less than ten; or

(ii) Ten minus the number of years the land was classified under chapter 84.34 RCW, if the total number of years the land was classified or designated under this chapter and classified under chapter 84.34 RCW is at least ten.

(2) Nothing in this section authorizes the continued classification or designation under this chapter or defers or reduces the compensating tax imposed upon forest land not transferred to classification under subsection (1) of this section which does not meet the necessary definitions of forest land under RCW 84.33.100. Nothing in this section affects the additional tax imposed under RCW 84.34.108. [1986 c 315 § 3.]

**84.33.175 Application of tax—Sale of land to governmental agency with reservation of rights to timber—Conveyance by governmental agency of trees.** The excise tax imposed under this chapter applies to forest trees harvested after April 4, 1986, from lands sold to any governmental agency by warranty deed or contract where the seller reserved to itself the right to take all merchantable timber for a specific period of years, or in perpetuity, and to forest trees harvested after April 4, 1986, that any governmental agency, by quit claim deed, as partial consideration for payment of the purchase price, conveyed for a specific period of years, or in perpetuity, all forest trees, standing, growing, or lying on the described land, to the taxpayer, regardless of the date on which the contract was entered. [1986 c 315 § 8.]

**Effective date—1986 c 315 § 8:** "Section 8 of 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." [1986 c 315 § 9.] "Section 8 of this act" consists of the enactment of RCW 84.33.175 and took effect April 4, 1986.

### Chapter 84.36 EXEMPTIONS

#### Sections

84.36.080 Partial exemption for ships and vessels exempt from excise tax under RCW 82.49.020(2) and 88.02.030(10)—Vessels listed on state or federal register of historic places.

**84.36.080 Partial exemption for ships and vessels exempt from excise tax under RCW 82.49.020(2) and 88.02.030(10)—Vessels listed on state or federal register of historic places.** (1) All ships and vessels which are exempt from excise tax under subsection (2) of RCW 82.49.020 and subsection (10) of RCW 88.02.030 shall be and are hereby made exempt from all ad valorem taxes, except taxes levied for any state purpose.

(2) All ships and vessels listed in the state or federal register of historical places are exempt from all ad valorem taxes. [1986 c 229 § 1; 1983 2nd ex.s. c 3 § 51; 1983 c 7 § 23; 1961 c 15 § 84.36.080. Prior: 1945 c 82 § 1; 1931 c 81 § 1; Rem. Supp. 1945 § 11111-2.]

**Application—1986 c 229:** "This act shall be effective for taxes levied for collection in 1987, and thereafter." [1986 c 229 § 4.]

**Construction—Severability—Effective dates—1983 2nd ex.s. c 3:** See notes following RCW 82.04.255.

**Construction—Severability—Effective dates—1983 c 7:** See notes following RCW 82.08.020.

*Listing of taxable ships and vessels with department of revenue: RCW 84.40.065.*

*Valuation of vessels—Apportionment: RCW 84.40.036.*

### Chapter 84.40 LISTING OF PROPERTY

#### Sections

84.40.036 Valuation of vessels—Apportionment.  
84.40.065 Listing of taxable ships and vessels with department—Assessment—Certification of values to assessors—Review.  
84.40.175 Listing of exempt property—Proof of exemption—Valuation of publicly owned property.

#### **84.40.036 Valuation of vessels—Apportionment.**

(1) As used in this section, "apportionable vessel" means a ship or vessel, other than one operated by a steamboat company as defined in RCW 84.12.200, which is:

- (a) Engaged in interstate commerce;
- (b) Engaged in foreign commerce; and/or
- (c) Engaged exclusively in fishing, tendering, harvesting, and/or processing seafood products on the high seas or waters under the jurisdiction of other states.

(2) The value of each apportionable vessel shall be apportioned to this state based on the number of days or fractions of days that the vessel is within this state during the preceding calendar year: *Provided*, That if the total number of days the vessel is within the limits of the state does not exceed one hundred twenty for the preceding calendar year, no value shall be apportioned to this state.

(3) Days during which an apportionable vessel is in the state exclusively for one or more of the following purposes shall not be considered as days within this state, if the length of time is reasonable for the purpose:

- (a) Undergoing repair or alteration;
- (b) Taking on or discharging cargo, passengers, or supplies; and
- (c) Serving as a tug for a vessel under (a) or (b) of this subsection.

(4) Days during which an apportionable vessel leaves this state only while navigating the high seas in order to travel between points in this state shall be considered as days within this state. [1986 c 229 § 2.]

**Application—1986 c 229:** See note following RCW 84.36.080.

*Listing of taxable ships and vessels with department: RCW 84.40.065.*  
*Partial exemption for ships and vessels: RCW 84.36.080.*

**84.40.065 Listing of taxable ships and vessels with department—Assessment—Certification of values to assessors—Review.** (1) Every individual, corporation, association, partnership, trust, and estate shall list with the department of revenue all ships and vessels which are subject to their ownership, possession, or control and which are not entirely exempt from property taxation, and such listing shall be subject to the same requirements, penalties, and liens provided in this chapter and chapter 84.60 RCW for all other personal property in the same manner as provided therein.

(2) The department shall assess all ships and vessels and shall certify to the respective county assessors the equalized values thereof, subject to the same rules as

other state-assessed properties in accordance with RCW 84.12.370 and 84.16.130 and chapter 84.48 RCW.

(3) Any ship or vessel owner disputing the assessment under this section shall have the same rights of review as any other vessel owner subject to the excise tax contained in chapter 82.49 RCW in accordance with RCW 82.49.060. [1986 c 229 § 3; 1984 c 250 § 5. Formerly RCW 84.08.200.]

**Application**—1986 c 229: See note following RCW 84.36.080.

*Partial exemption for ships and vessels: RCW 84.36.080.*

*Valuation of vessels—Apportionment: RCW 84.40.036.*

**84.40.175 Listing of exempt property—Proof of exemption—Valuation of publicly owned property.** At the time of making the assessment of real property, the assessor shall enter each description of property exempt under the provisions of RCW 84.36.005 through 84.36.060, and value and list the same in the manner and subject to the same rule as he is required to assess all other property, designating in each case to whom such property belongs, and for what purpose used, to entitle it to exemption, and he shall require from every person claiming such exemption proof of the right to such exemption: *Provided*, That with respect to publicly owned property exempt from taxation under provisions of RCW 84.36.010, the assessor shall value only such property as is leased to or occupied by a private person under an agreement allowing such person to occupy or use such property for a private purpose when a request for such valuation is received from the department of revenue or the lessee of such property for use in determining the taxable rent as provided for in chapter 82.29A RCW: *Provided further*, That this section shall not prohibit any assessor from valuing any public property leased to or occupied by a private person for private purposes. [1986 c 285 § 3; 1975-'76 2nd ex.s. c 61 § 15; 1961 c 15 § 84.40.175. Prior: 1925 ex.s. c 130 § 9; 1891 c 140 § 5; 1890 p 532 § 5; RRS § 11113. Formerly RCW 84.36.220.]

**Effective date—Severability**—1975-'76 2nd ex.s. c 61: See RCW 82.29A.900 and 82.29A.910.

*Leasehold excise tax: Chapter 82.29A RCW.*

## Chapter 84.52 LEVY OF TAXES

### Sections

- 84.52.053 Excess levies by school districts authorized—  
When—Procedure. (Effective December 15, 1986, if proposed constitutional amendment is approved by voters at the November, 1986, general election.)
- 84.52.054 Excess levies—Ballot contents—Eventual dollar rate on tax rolls. (Effective December 15, 1986, if proposed constitutional amendment is approved by voters at the November, 1986, general election.)

**84.52.053 Excess levies by school districts authorized—When—Procedure.** (Effective December 15, 1986, if proposed constitutional amendment is approved by voters at the November, 1986, general election.) The

limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by school districts, when authorized so to do by the electors of such school district in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended, at a special or general election to be held in the year in which the levy is made or, in the case of a proposition authorizing levies for support of a school district, including but not limited to levies to support the construction, modernization, or remodeling of school facilities and levies for the maintenance and operation of schools, for a period exceeding one year, at a special or general election to be held in the year in which the first annual levy is made: *Provided*, That once additional tax levies have been authorized for maintenance and operation support of a school district for a two year period, no further additional tax levies for maintenance and operation support of the district for that period may be authorized.

A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no". [1986 c 133 § 1; 1977 ex.s. c 325 § 3.]

**Contingent effective date**—1986 c 133: "This act shall take effect on December 15, 1986, if the proposed amendment to Article VII, section 2 of the state Constitution to change the time periods for school levies, House Joint Resolution No. 55, is validly submitted and is approved and ratified by the voters at a general election held in November, 1986. If the proposed amendment is not so approved and ratified, this act shall be null and void in its entirety." [1986 c 133 § 3.]

**Severability—Effective date**—1977 ex.s. c 325: See notes following RCW 84.52.052.

*School funds enumerated—Deposits—Uses: RCW 28A.58.441.*

**84.52.054 Excess levies—Ballot contents—Eventual dollar rate on tax rolls.** (Effective December 15, 1986, if proposed constitutional amendment is approved by voters at the November, 1986, general election.) The additional tax provided for in subparagraph (a) of the seventeenth amendment to the state Constitution as amended by Amendment 59 and as thereafter amended, and specifically authorized by RCW 84.52.052, as now or hereafter amended, and RCW 84.52.053 and 84.52.0531, shall be set forth in terms of dollars on the ballot of the proposition to be submitted to the voters, together with an estimate of the dollar rate of tax levy that will be required to produce the dollar amount; and the county assessor, in spreading this tax upon the rolls, shall determine the eventual dollar rate required to produce the amount of dollars so voted upon, regardless of the estimate of dollar rate of tax levy carried in said proposition. In the case of a school district proposition for a particular period, the dollar amount and the corresponding estimate of the dollar rate of tax levy shall be set forth for each of the years in that period. The dollar amount for each annual levy in the particular period



may be equal or in different amounts. [1986 c 133 § 2; 1977 ex.s. c 325 § 2; 1977 c 4 § 2; 1973 1st ex.s. c 195 § 103; 1961 c 15 § 84.52.054. Prior: 1955 c 105 § 1.]

**Contingent effective date**—1986 c 133: See note following RCW 84.52.053.

**Severability**—**Effective date**—1977 ex.s. c 325: See notes following RCW 84.52.052.

**Severability**—1977 c 4: See note following RCW 84.52.052.

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

**Chapter 84.55**

**LIMITATIONS UPON REGULAR PROPERTY TAXES**

Sections

- 84.55.050 Election to authorize increase in regular property tax levy—Limited propositions—Procedure.
- 84.55.092 Levies for taxes due in 1987 through 1991—Expiration of section.

**84.55.050 Election to authorize increase in regular property tax levy—Limited propositions—Procedure.** (1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made. The ballot of the proposition shall state the dollar rate proposed.

(2) After a levy authorized pursuant to this section is made, the dollar amount of such levy shall be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, except as provided in subsection (4) of this section.

(3) A proposition placed before the voters under this section may:

- (a) Limit the period for which the increased levy is to be made;
- (b) Limit the purpose for which the increased levy is to be made;
- (c) Set the levy at a rate less than the maximum rate allowed for the district; or
- (d) Include any combination of the conditions in this subsection.

(4) After the expiration of a limited period or the satisfaction of a limited purpose, whichever comes first, subsequent levies shall be computed as if:

- (a) The limited proposition under subsection (3) of this section had not been approved; and
- (b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the limited proposition. [1986 c 169 § 1; 1979

ex.s. c 218 § 3; 1973 1st ex.s. c 195 § 109; 1971 ex.s. c 288 § 24.]

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

**Savings**—**Severability**—1971 ex.s. c 288: See notes following RCW 84.40.030.

**84.55.092 Levies for taxes due in 1987 through 1991—Expiration of section.** The regular property tax levies for each taxing district other than the state for taxes due in 1987 through 1991 may be set at the amount which would otherwise be allowed under this chapter if the regular property tax levy for the district for taxes due in 1986 and 1987 had been set at the full amount allowed under this chapter.

This section shall expire December 31, 1991. [1986 c 107 § 3.]

**Severability**—**Construction**—1986 c 107: See notes following RCW 39.67.010.

**Chapter 84.64**

**CERTIFICATES OF DELINQUENCY**

Sections

- 84.64.050 Certificate to county—Foreclosure—Notice—Prohibition on issuance of certificate on certain residential property.

**84.64.050 Certificate to county—Foreclosure—Notice—Prohibition on issuance of certificate on certain residential property.** After the expiration of three years from the date of delinquency, when any property remains on the tax rolls for which no certificate of delinquency has been issued, the county treasurer shall proceed to issue certificates of delinquency on said property to the county for all years' taxes, interest, and costs: *Provided*, That the county treasurer, with the consent of the county legislative authority, may elect to issue a certificate for fewer than all years' taxes, interest, and costs to a minimum of the taxes, interest, and costs for the earliest year.

The county treasurer may include in the certificate of delinquency any assessments which are due on the property and are the responsibility of the county treasurer to collect. For purposes of this chapter, "taxes, interest, and costs" include any assessments which are so included by the county treasurer.

The change to a three-year grace period shall first be effective on May 1, 1983. Prior to that date, the county treasurer shall send a notice to all taxpayers with taxes delinquent for two years or more, notifying them of the change in the grace period. The treasurer shall file said certificates when completed with the clerk of the court, and the treasurer shall thereupon, with such legal assistance as the county legislative authority shall provide in counties having a population of thirty thousand or more, and with the assistance of the county prosecuting attorney in counties having a population of less than thirty thousand, proceed to foreclose in the name of the county, the tax liens embraced in such certificates, and the same proceedings shall be had as when held by an

individual: *Provided*, That notice and summons must be served or notice given in a manner reasonably calculated to inform the owner or owners, and any person having a recorded interest in or lien of record upon the property, of the foreclosure action. Either (1) personal service upon the owner or owners and any person having a recorded interest in or lien of record upon the property, or (2) publication once in a newspaper of general circulation, which is circulated in the area of the property and mailing of notice by certified mail to the owner or owners and any person having a recorded interest in or lien of record upon the property, or, if a mailing address is unavailable, personal service upon the occupant of the property, if any, is sufficient. In addition to describing the property as the same is described on the tax rolls, the notice must include the local street address, if any. It shall be the duty of the county treasurer to mail a copy of the published summons, within fifteen days after the first publication thereof, to the treasurer of each city or town within which any property involved in a tax foreclosure is situated, but the treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of any tax sought to be foreclosed. Said certificates of delinquency issued to the county may be issued in one general certificate in book form including all property, and the proceedings to foreclose the liens against said property may be brought in one action and all persons interested in any of the property involved in said proceedings may be made codefendants in said action, and if unknown may be therein named as unknown owners, and the publication of such notice shall be sufficient service thereof on all persons interested in the property described therein, except as provided above. The person or persons whose name or names appear on the treasurer's rolls as the owner or owners of said property shall be considered and treated as the owner or owners of said property for the purpose of this section, and if upon said treasurer's rolls it appears that the owner or owners of said property are unknown, then said property shall be proceeded against, as belonging to an unknown owner or owners, as the case may be, and all persons owning or claiming to own, or having or claiming to have an interest therein, are hereby required to take notice of said proceedings and of any and all steps thereunder: *Provided*, That prior to the sale of the property, if such property is shown on the tax rolls under unknown owners or as having an assessed value of three thousand dollars or more, the treasurer shall order or conduct a title search of the property to be sold to determine the legal description of the property to be sold and the record title holder, and if the record title holder or holders differ from the person or persons whose name or names appear on the treasurer's rolls as the owner or owners, the record title holder or holders shall be considered and treated as the owner or owners of said property for the purpose of this section, and shall be entitled to the notice provided for in this section.

The county treasurer shall not issue certificates of delinquency upon property which is eligible for deferral of taxes under chapter 84.38 RCW but shall require the owner of the property to file a declaration to defer taxes

under chapter 84.38 RCW. [1986 c 278 § 64. Prior: 1984 c 220 § 19; 1984 c 179 § 2; 1981 c 322 § 4; 1972 ex.s. c 84 § 2; 1961 c 15 § 84.64.050; prior: 1937 c 17 § 1; 1925 ex.s. c 130 § 117; RRS § 11278; prior: 1917 c 113 § 1; 1901 c 178 § 3; 1899 c 141 § 15; 1897 c 71 § 98.]

*Severability*—1986 c 278: See note following RCW 36.01.010.  
*Notice of foreclosure to be given to city treasurer: RCW 35.49.130.*

## Title 85

### DIKING AND DRAINAGE

#### Chapters

- 85.05** Diking districts.
- 85.06** Drainage districts and miscellaneous drainage provisions.
- 85.07** Miscellaneous diking and drainage provisions.
- 85.08** Diking, drainage, and sewerage improvement districts.
- 85.09** Diking and drainage improvement districts—Refunding bonds.
- 85.16** Maintenance costs and levies—Diking, drainage, and sewerage improvement districts.
- 85.20** Reorganization of districts into improvement districts—1917 act.
- 85.22** Reorganization of districts into improvement districts—1933 act.
- 85.24** Diking and drainage districts in two or more counties.
- 85.32** Drainage district revenue act of 1961.
- 85.36** Powers of special districts.
- 85.38** Special district creation and operation.

#### Chapter 85.05

##### DIKING DISTRICTS

#### Sections

- 85.05.290 through 85.05.340 Repealed.
- 85.05.355 Special assessment bonds.
- 85.05.360 Warrants presented for indorsement—When and how paid.
- 85.05.480 Repealed.
- 85.05.510 through 85.05.530 Repealed.
- 85.05.560 through 85.05.600 Repealed.
- 85.05.605 Annexation of territory—Consolidation of special districts—Suspension of operations—Reactivation.

**85.05.290 through 85.05.340 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**85.05.355 Special assessment bonds.** Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW. [1986 c 278 § 23.]

*Severability*—1986 c 278: See note following RCW 36.01.010.

**85.05.360 Warrants presented for indorsement—When and how paid.** All warrants issued under the provisions of this act shall be presented by the owners thereof to the county treasurer, who shall indorse

thereon the day of presentation for payment, with the additional indorsement thereon, in case of nonpayment, that they are not paid for want of funds; and no warrant shall draw interest under the provisions of this act until it is so presented and indorsed by the county treasurer. And it shall be the duty of such treasurer, from time to time, when he has sufficient funds in his hands for that purpose, to advertise in the newspaper doing the county printing for the presentation to him for payment of as many of the outstanding warrants as he may be able to pay: *Provided*, That thirty days after the first publication of said notice of the treasurer calling in any of said outstanding warrants, said warrants shall cease to bear interest, which shall be stated in the notice. Said notice shall be published two weeks, consecutively, and said warrants shall be called in and paid in the order of their indorsement. [1986 c 278 § 29; 1895 c 117 § 36; RRS § 4286. Formerly RCW 85.04.170, part.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**85.05.480 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**85.05.510 through 85.05.530 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**85.05.560 through 85.05.600 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**85.05.605 Annexation of territory—Consolidation of special districts—Suspension of operations—Reactivation.** Diking districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW. [1986 c 278 § 11.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

### Chapter 85.06

#### DRAINAGE DISTRICTS AND MISCELLANEOUS DRAINAGE PROVISIONS

##### Sections

85.06.170	Repealed.
85.06.255	Special assessment bonds.
85.06.260	through 85.06.329 Repealed.
85.06.330	Warrants presented for indorsement—When and how paid.
85.06.510	through 85.06.540 Repealed.
85.06.545	Annexation of territory—Consolidation of special districts—Suspension of operations—Reactivation.

**85.06.170 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**85.06.255 Special assessment bonds.** Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW. [1986 c 278 § 24.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**85.06.260 through 85.06.329 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**85.06.330 Warrants presented for indorsement—When and how paid.** All warrants issued under the provisions of this chapter shall be presented by the owners thereof to the county treasurer, who shall indorse thereon the day of presentation for payment, with the additional indorsement thereon, in case of nonpayment, that they are not paid for want of funds; and no warrant shall draw interest under the provisions of this chapter until it is so presented and indorsed by the county treasurer. And it shall be the duty of such treasurer, from time to time, when he has sufficient funds in his hands for that purpose, to advertise in the newspaper doing the county printing for the presentation to him for payment of as many of the outstanding warrants as he may be able to pay: *Provided*, That thirty days after the first publication of said notice of the treasurer calling in any of said outstanding warrants said warrants shall cease to bear interest, which shall be stated in the notice. Said notice shall be published two weeks consecutively, and said warrants shall be called in and paid in the order of their indorsement. [1986 c 278 § 30; 1895 c 115 § 33; RRS § 4333. Formerly RCW 85.04.170, part.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**85.06.510 through 85.06.540 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**85.06.545 Annexation of territory—Consolidation of special districts—Suspension of operations—Reactivation.** Drainage districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW. [1986 c 278 § 12.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

### Chapter 85.07

#### MISCELLANEOUS DIKING AND DRAINAGE PROVISIONS

##### Sections

85.07.020	Repealed.
85.07.030	Repealed.

**85.07.020 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**85.07.030 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

## Chapter 85.08

DIKING, DRAINAGE, AND SEWERAGE  
IMPROVEMENT DISTRICTS

## Sections

85.08.210	Warrant for damages.
85.08.240	Repealed.
85.08.280	Repealed.
85.08.285	Special assessment bonds.
85.08.320	Costs paid by voucher, payroll, or warrant—Temporary warrants—Priority—Compensation of officers and employees.
85.08.580	through 85.08.625 Repealed.
85.08.895	Annexation of territory—Consolidation of special districts—Suspension of operations—Reactivation.

**85.08.210 Warrant for damages.** Upon the entry of judgment as provided in RCW 85.08.200, the county auditor shall, under the direction of the county legislative authority, draw a warrant upon the county treasurer for the payment of the amount of damages agreed to or the amount of the judgment, as the case may be, to be paid out of the current expense fund of the county. [1986 c 278 § 31; 1913 c 176 § 15; RRS § 4420.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**85.08.240 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**85.08.280 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**85.08.285 Special assessment bonds.** Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW. [1986 c 278 § 25.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**85.08.320 Costs paid by voucher, payroll, or warrant—Temporary warrants—Priority—Compensation of officers and employees.** The compensation of the superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by the district board of supervisors. Members of the board of supervisors may receive compensation up to twenty-five dollars for attending each official meeting of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as supervisors. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall

[1986 RCW Supp—page 626]

draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called. [1986 c 278 § 32; 1985 c 396 § 46; 1981 c 156 § 23; 1917 c 130 § 28; 1913 c 176 § 23; RRS § 4428. Formerly RCW 85.08-.320 and 85.08.330.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**Severability—1985 c 396:** See RCW 85.38.900.

**85.08.580 through 85.08.625 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**85.08.895 Annexation of territory—Consolidation of special districts—Suspension of operations—Reactivation.** Diking or drainage improvement districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW. [1986 c 278 § 13.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

## Chapter 85.09

DIKING AND DRAINAGE IMPROVEMENT  
DISTRICTS—REFUNDING BONDS

## Sections

85.09.010	through 85.09.090 Repealed.
85.09.900	Repealed.

**85.09.010 through 85.09.090 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**85.09.900 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

## Chapter 85.16

MAINTENANCE COSTS AND LEVIES—DIKING,  
DRAINAGE, AND SEWERAGE IMPROVEMENT  
DISTRICTS

## Sections

85.16.030	Excess expenditures.
85.16.180	Authorizing extraordinary work—Temporary construction warrants.

**85.16.030 Excess expenditures.** In maintaining a system of improvements of any such district the supervisors thereof may at any time, with the approval of the county legislative authority and upon determination by such county legislative authority that an emergency exists, make expenditures in excess of the last annual maintenance assessments theretofore made, which excess amount or amounts shall in such event be included in the maintenance assessments for the succeeding year except as otherwise herein provided. [1986 c 278 § 33; 1983 c 167 § 197; 1949 c 26 § 3; Rem. Supp. 1949 § 4459–22. Formerly RCW 85.16.030, 85.16.040, part and 85.16.050.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**Liberal construction**—**Severability**—1983 c 167: See RCW 39-46.010 and note following.

**85.16.180 Authorizing extraordinary work—Temporary construction warrants.** The county legislative authority shall thereupon enter an order authorizing the contemplated extraordinary maintenance work to be done and authorizing the issuance of temporary construction warrants to pay the cost of said work as it progresses, which warrants may bear interest at such rate or rates of interest as the county legislative authority shall determine. Warrants to pay the costs of such extraordinary maintenance may be issued and sold at one time or from time to time and in such series and amounts as may be found practicable and as determined by the board. [1986 c 278 § 34; 1983 c 167 § 198; 1970 ex.s. c 56 § 92; 1969 ex.s. c 232 § 54; 1949 c 26 § 13; Rem. Supp. 1949 § 4459–32. Formerly RCW 85.16.040 and 85.16.180.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**Liberal construction**—**Severability**—1983 c 167: See RCW 39-46.010 and note following.

**Purpose**—1970 ex.s. c 56: See note following RCW 39.52.020.

**Validation**—**Saving**—**Severability**—1969 ex.s. c 232: See notes following RCW 39.52.020.

### Chapter 85.20

#### REORGANIZATION OF DISTRICTS INTO IMPROVEMENT DISTRICTS—1917 ACT

Sections

85.20.070	Refunding bonds.
85.20.080	through 85.20.110 Repealed.
85.20.120	Sale and issuance of refunding bonds.
85.20.130	Repealed.

**85.20.070 Refunding bonds.** Whenever in any district reorganized under the provisions of this chapter any bonds issued prior to such reorganization shall become payable and the county legislative authority determines that it is in the interest of the property owners of the district to have refunding bonds issued, the county legislative authority may authorize the district to issue refunding bonds in accordance with chapter 85.38 RCW. [1986 c 278 § 35; 1917 c 131 § 6; RRS § 4352. FORMER PART OF SECTION: 1933 c 182 § 6, now codified as RCW 85.22.060.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**85.20.080 through 85.20.110 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**85.20.120 Sale and issuance of refunding bonds.** Upon the expiration of thirty days from the first publication of the notice given by the treasurer as provided herein, the county legislative authority of the county in which all or the major part of the district is located may issue and sell refunding bonds of the district subject to

chapter 85.38 RCW. [1986 c 278 § 36; 1917 c 131 § 11; RRS § 4357. FORMER PART OF SECTION: 1933 c 182 § 11 now codified as RCW 85.22.110.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**85.20.130 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 85.22

#### REORGANIZATION OF DISTRICTS INTO IMPROVEMENT DISTRICTS—1933 ACT

Sections

85.22.060	Refunding bonds.
85.22.070	through 85.22.120 Repealed.

**85.22.060 Refunding bonds.** Whenever in any district reorganized under the provisions of this chapter any bonds issued prior to such reorganization shall become payable and the county legislative authority determines that it is in the interest of the property owners of the district to have refunding bonds issued, the county legislative authority may authorize the district to issue refunding bonds in accordance with chapter 85.38 RCW. [1986 c 278 § 37; 1933 c 182 § 6; RRS § 4477–6. Formerly RCW 85.20.070, part.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**85.22.070 through 85.22.120 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 85.24

#### DIKING AND DRAINAGE DISTRICTS IN TWO OR MORE COUNTIES

Sections

85.24.025	Annexation of territory—Consolidation of special districts—Suspension of operations—Reactivation.
85.24.160	Payment of assessment without interest.
85.24.230	Repealed.
85.24.235	Special assessment bonds.

**85.24.025 Annexation of territory—Consolidation of special districts—Suspension of operations—Reactivation.** Intercounty diking and drainage improvement districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW. [1986 c 278 § 14.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**85.24.160 Payment of assessment without interest.** The owner of any lot or parcel of land charged with any assessment, as hereinbefore provided, may redeem the same from all liability by paying the entire assessment charged against such lot or parcel of land, or part thereof, without interest, within thirty days after notice to him of such assessment, as herein provided. [1986 c

278 § 38; 1983 c 167 § 199; 1909 c 225 § 17; RRS § 4377.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**Liberal construction**—**Severability**—1983 c 167: See RCW 39.46.010 and note following.

**85.24.230 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**85.24.235 Special assessment bonds.** Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW. [1986 c 278 § 26.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

### Chapter 85.32

#### DRAINAGE DISTRICT REVENUE ACT OF 1961

##### Sections

85.32.140 Chapter exclusive method—Concurrent use of other method to extinguish prior indebtedness—Special assessment bonds.

**85.32.140 Chapter exclusive method—Concurrent use of other method to extinguish prior indebtedness—Special assessment bonds.** Any district choosing to operate under this chapter shall not use the processes provided for raising revenue under any other law: *Provided*, That if for any reason it is deemed more just and advisable by the board, any such other method or process for raising revenue as provided by law may be used concurrently against properties solely within the territorial limits of the district for the sole purpose of extinguishing indebtedness incurred before the district adopts the procedure of this chapter, in which event no funds raised under this chapter shall be used to pay such prior indebtedness. However, when a drainage district issues special assessment bonds or notes after June 1, 1986, the process of raising revenue related to the bonds or notes shall be as specified in chapter 85.38 RCW. [1986 c 278 § 39; 1961 c 131 § 15.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

### Chapter 85.36

#### POWERS OF SPECIAL DISTRICTS

(Formerly: Consolidation of districts)

##### Sections

85.36.010 Repealed.  
85.36.020 Repealed.  
85.36.030 Repealed.  
85.36.040 Special assessment bonds.  
85.36.050 Annexation of territory—Consolidation of special districts—Suspension of operations—Reactivation.

**85.36.010 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**85.36.020 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**85.36.030 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**85.36.040 Special assessment bonds.** Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW. [1986 c 278 § 27.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**85.36.050 Annexation of territory—Consolidation of special districts—Suspension of operations—Reactivation.** Consolidated diking districts, drainage districts, diking improvement districts, and/or drainage improvement districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW. [1986 c 278 § 15.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

### Chapter 85.38

#### SPECIAL DISTRICT CREATION AND OPERATION

##### Sections

85.38.010 Definitions.  
85.38.070 Governing board—Terms of office—Election—Appointment—Vacancies—Qualifications.  
85.38.190 Construction of improvements—When public bidding not required—Use of district employees or volunteers.  
85.38.200 Annexation of contiguous territory—Procedures.  
85.38.210 Consolidation of contiguous districts—Procedures.  
85.38.220 Suspension of operations—Procedure—Reactivation.  
85.38.230 Special assessment bonds authorized.  
85.38.240 Special assessment bonds—Issuance—Terms.  
85.38.250 Special assessment bonds—Guaranty fund.  
85.38.260 Special assessment bonds—Refunding.  
85.38.270 Special assessment bonds issued prior to July 1, 1986.

**85.38.010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Governing body" means the board of commissioners, board of supervisors, or board of directors of a special district.

(2) "Owner of land" means the record owner of at least a majority ownership interest in a separate and legally created lot or parcel of land, as determined by the records of the county auditor, except that if the lot or parcel has been sold under a real estate contract, the vendee or grantee shall be deemed to be the owner of such land for purposes of authorizing voting rights. It is assumed, unless shown otherwise, that the name appearing as the owner of property on the property tax rolls is the current owner.

(3) "Qualified voter of a special district" means a person who is either: (a) A natural person who is a voter under general state election laws, registered to vote in the state of Washington for a period of not less than sixty days before the election, and the owner of land located in the special district for a period of not less than sixty days before the election; (b) a corporation or partnership that has owned land located in the special district for a period of not less than sixty days before the

election; or (c) the state, its agencies or political subdivisions that own land in the special district or lands proposed to be annexed into the special district except that the state, its agencies and political subdivisions shall not be eligible to vote to elect a member of the governing board of a special district. If land is owned as community property, both spouses may vote if otherwise qualified. If other multiple undivided interests exist in a lot or parcel, and no person owns a majority undivided interest, the owners of undivided interests at least equal to a majority interest may designate in writing which owner is eligible to vote. A corporation, partnership or governmental entity shall designate a natural person to exercise its voting powers. Except as provided in RCW 85.05.015 and 86.09.377, no owner of land may cast more than one vote, or have more than one vote cast for it, in a special district election.

(4) "Special district" means: (a) A diking district; (b) a drainage district; (c) a diking, drainage, and/or sewerage improvement district; (d) an intercounty diking and drainage district; (e) a consolidated diking district, drainage district, diking improvement district, and/or drainage improvement district; or (f) a flood control district.

(5) "Special district general election" means the election of a special district regularly held on the second Tuesday of December in each odd-numbered year at which a member of the special district governing body is regularly elected. [1986 c 278 § 41; 1985 c 396 § 2.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**85.38.070 Governing board—Terms of office—Election—Appointment—Vacancies—Qualifications.** (1) Except as provided in RCW 85.38.090, each special district shall be governed by a three-member governing body. The term of office for each member of a special district governing body shall be six years and until his or her successor is elected and qualified. One member of the governing body shall be elected at the time of special district general elections and, each odd-numbered year for a term of six years beginning as provided in RCW 29.04.170 for assumption of office by elected officials of cities.

(2) The terms of office of members of the governing bodies of special districts, who are holding office on July 28, 1985, shall be altered to provide staggered six-year terms as provided in this subsection. The member who on July 28, 1985, has the longest term remaining shall have his or her term altered so that the position will be filled at the December, 1991, special district general election; the member with the second longest term remaining shall have his or her term altered so that the position will be filled at the December, 1989, special district general election; and the member with the third longest term of office shall have his or her term altered so that the position will be filled at the December, 1987, special district general election.

(3) The initial members of the governing body of a newly created special district shall be appointed by the legislative authority of the county within which the special district, or the largest portion of the special district,

is located. These initial governing body members shall serve until their successors are elected and qualified at the next special district general election held at least ninety days after the special district is established. At that election the first elected members of the governing body shall be elected. No primary elections may be held. Any voter of a special district may become a candidate for such a position by filing written notice of this intention with the governing body of the special district at least thirty, but not more than sixty, days before a special district general election. The names of all candidates for such positions shall be listed alphabetically. At this first election, the candidate receiving the greatest number of votes shall have a six-year term, the candidate receiving the second greatest number of votes shall have a four-year term, and the candidate receiving the third greatest number of votes shall have a two-year term of office. The initially elected members of a governing body shall take office immediately when qualified as defined in RCW 29.01.135. Thereafter the candidate receiving the greatest number of votes shall be elected for a six-year term of office. Members of a governing body shall hold their office until their successors are elected and qualified, and assume office as provided in RCW 29.04.170.

(4) Whenever a vacancy occurs in the governing body of a special district, the legislative authority of the county within which the special district, or the largest portion of the special district, is located, shall appoint a district voter to serve the remaining term of office. A vacancy occurs upon the death, resignation, or incapacity of a governing body member or whenever the governing body member ceases being a qualified voter of the special district.

(5) An elected or appointed member of a special district governing body must be a qualified voter of the special district: *Provided*, That the state, its agencies and political subdivisions, or their designees under RCW 85.38.010(3) shall not be eligible for election or appointment. [1986 c 278 § 42; 1985 c 396 § 8.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**85.38.190 Construction of improvements—When public bidding not required—Use of district employees or volunteers.** Special districts shall have authority to enter into contracts for the construction of any improvement authorized by law, or for labor, materials, or equipment entering therein, without public bidding, with the written approval and consent of the governing body in instances of genuine emergency to be declared by the governing body or in any instance where the contract price does not exceed ten thousand dollars.

Any proposed improvement or part thereof, not exceeding five thousand dollars in cost, may be constructed by district employees: *Provided*, That this shall not restrict a special district from using volunteer labor and equipment on improvements, and providing reimbursement for actual expenses. [1986 c 278 § 50.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**85.38.200 Annexation of contiguous territory—Procedures.** (1) Territory that is contiguously located to a special district may be annexed by the special district as provided in this section under the petition and election, resolution and election, or direct petition method of annexation.

(2) An annexation under the election method may be initiated by the filing of a petition requesting the action that is signed by at least ten owners of property in the area proposed to be annexed or the adoption of a resolution requesting such action by the governing body of the special district. The petitions shall be filed with the governing body of the special district that is requested to annex the territory. An election to authorize an annexation initiated under the petition and election method may be held only if the governing body approves the annexation. An annexation under either election method shall be authorized if the voters of the area proposed to be annexed approve a ballot proposition favoring the annexation by a simple majority vote. The annexation shall be effective when results of an election so favoring the annexation are certified by the county auditor or auditors. The election, notice of the election, and eligibility to vote at the election shall be as provided for the creation of a special district.

(3) An annexation under the direct petition method of annexation may be accomplished if the owners of a majority of the acreage proposed to be annexed sign a petition requesting the annexation, and the governing body of the special district approves the annexation. The petition shall be filed with the governing body of the special district. The annexation shall be effective when the governing body approves the annexation.

(4) Whenever a special district annexes territory under this section, the exclusive method by which the special district measures and imposes special assessments upon real property within the entire enlarged area shall be as set forth in RCW 85.38.150 through 85.38.170. [1986 c 278 § 8.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**85.38.210 Consolidation of contiguous districts—Procedures.** Two or more special districts that are contiguously located with each other, or which occupy all or part of the same territory, may consolidate as provided in this section. The consolidation shall result in the creation of a flood control district.

A consolidation may be initiated by: (1) The filing of a petition requesting the action that is signed by eligible voters of each special district who constitute at least ten percent of the eligible voters of the special district, or who own at least a majority of the acreage in the special district; or (2) the adoption of a resolution requesting such action by the governing body of each special district. The petitions shall be filed with, and the resolutions shall be submitted to, the county legislative authority of the county within which all or the largest portion of the special districts is located. The auditor of the county, or auditors of the counties, within which these districts are located shall authenticate the signatures on the petitions and certify the results. An election

to authorize the consolidation shall be held not more than one hundred eighty days after the date of the filing of the resolutions, or the determination that sufficient valid signatures are included on the petition from the voters of each of the special districts.

The consolidation shall be authorized if voters in each of the special districts approve a ballot proposition favoring the consolidation by a simple majority vote. Members of the governing body of the consolidated special district shall be selected as provided in RCW 85.38.070 for a newly created special district and the consolidation shall be effective when these initial members of the governing body are so appointed.

All moneys, rights, property, assets and liabilities of the consolidating special districts shall vest in and become the obligation of the new consolidated special district, except that any indebtedness of a consolidating special district shall remain an indebtedness of the original consolidating special district and lands within the original consolidating special district. The governing body of the new consolidated special district shall impose special assessments on lands in the original consolidating special district to redeem this indebtedness. However, the new consolidated special district may issue funding or refunding bonds or notes and fund or refund such indebtedness. The new consolidated special district may continue imposing special assessments pursuant to the various systems of assessment used by the original consolidating special districts, or may establish a new system or systems of assessment in all or part of the new consolidated special district to finance its operations. [1986 c 278 § 9.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**85.38.220 Suspension of operations—Procedure—Reactivation.** Any special district may have its operations suspended as provided in this section. The process of suspending a special district's operations may be initiated by: (1) The adoption of a resolution proposing such action by the governing body of the special district; (2) the filing of a petition proposing such action with the county legislative authority of the county in which all or the largest portion of the special district is located, which petition is signed by voters of the special district who own at least ten percent of the acreage in the special district or is signed by ten or more voters of the special district; or (3) the adoption of a resolution proposing such action by the county legislative authority of the county in which all or the largest portion of the special district is located.

A public hearing on the proposed action shall be held by the county legislative authority at which it shall inquire into whether such action is in the public interest. Notice of the public hearing shall be published in a newspaper of general circulation in the special district, posted in at least four locations in the special district to attract the attention of the public, and mailed to the members of the governing body of the special district, if there are any. After the public hearing, the county legislative authority may adopt a resolution suspending the



operations of the special district if it finds such suspension to be in the public interest. When a special district is located in more than one county, the legislative authority of each of such counties must so act before the operations of the special district are suspended.

After holding a public hearing on the proposed reactivation of a special district that has had its operations suspended, the legislative authority or authorities of the county or counties in which the special district is located may reactivate the special district by adopting a resolution finding such action to be in the public interest. Notice of the public hearing shall be posted and published as provided for the public hearing on a proposed suspension of a special district's operations. The governing body of a reactivated special district shall be appointed as in a newly created special district.

No special district that owns drainage or flood control improvements may be dissolved unless the legislative authority of a county accepts responsibility for operation and maintenance of the improvements. [1986 c 278 § 10.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**85.38.230 Special assessment bonds authorized.** A special district may issue special assessment bonds or notes to finance costs related to providing, improving, expanding, or enlarging improvements and facilities if the county legislative authority within which all or the major part of the special district is located authorizes the issuance of such bonds or notes. The decision of a county legislative authority authorizing or failing to authorize a proposed issue of special assessment bonds or notes constitutes a discretionary function, and shall not give rise to a cause of action against the county, county legislative authority, or any member of the county legislative authority. [1986 c 278 § 18.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**85.38.240 Special assessment bonds—Issuance—Terms.** (1) Special assessment bonds and notes issued by special districts shall be issued and sold in accordance with chapter 39.46 RCW, except as otherwise provided in this chapter. The maximum term of any special assessment bond issued by a special district shall be twenty years. The maximum term of any special assessment note issued by a special district shall be five years.

(2) The governing body of a special district issuing special assessment bonds or notes shall create a special fund or funds, or use an existing special fund or funds, from which, along with any special assessment bond guaranty fund the special district has created, the principal of and interest on the bonds or notes exclusively are payable.

(3) The governing body of a special district may provide such covenants as it may deem necessary to secure the payment of the principal of and interest on special assessment bonds or notes, and premiums on special assessment bonds or notes, if any. Such covenants may include, but are not limited to, depositing certain special

assessments into a special fund or funds, and establishing, maintaining, and collecting special assessments which are to be placed into the special fund or funds. The special assessments covenanted to be placed into such a special fund or funds after June 11, 1986, may include all or part of the new system of special assessments imposed for such purposes, pursuant to RCW 85.38.150 and 85.38.160. \*However, the special assessments covenanted to be placed into the special fund or funds from which the funding or refunding special assessment bonds or notes to be funded or refunded were payable.

(4) A special assessment bond or note issued by a special district shall not constitute an indebtedness of the state, either general or special, nor of the county, either general or special, within which all or any part of the special district is located. A special assessment bond or note shall not constitute a general indebtedness of the special district issuing the bond or note, but is a special obligation of the special district and the interest on and principal of the bond or note shall be payable only from special assessments covenanted to be placed into the special fund or funds, and any special assessment bond guaranty fund the special district has created.

The owner of a special assessment bond or note, or the owner of an interest coupon, shall not have any claim for the payment thereof against the special district arising from the special assessment bond or note, or interest coupon, except for payment from the special fund or funds, the special assessments covenanted to be placed into the special fund or funds, and any special assessment bond guaranty fund the special district has created. The owner of a special assessment bond or note, or the owner of an interest coupon, issued by a special district shall not have any claim against the state, or any county within which all or part of the special district is located, arising from the special assessment bond, note, or interest coupon. The special district issuing the special assessment bond or note shall not be liable to the owner of any special assessment bond or note, or owner of any interest coupon, for any loss occurring in the lawful operation of its special assessment bond guaranty fund.

The substance of the limitations included in this subsection shall be plainly printed, written, engraved, or reproduced on: (a) Each special assessment bond or note that is a physical instrument; (b) the official notice of sale; and (c) each official statement associated with the bonds or notes. [1986 c 278 § 19.]

**\*Reviser's note:** This apparently is an incomplete sentence.

**Severability**—1986 c 278: See note following RCW 36.01.010.

**85.38.250 Special assessment bonds—Guaranty fund.** The governing body of a special district issuing special assessment bonds or notes may create and pay money into a special assessment bond guaranty fund to guaranty special assessment bonds and notes issued by the special district. A portion of the special assessments collected by a special district may be placed into its special assessment bond guaranty fund. [1986 c 278 § 20.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**85.38.260 Special assessment bonds—Refunding.** A special district may issue funding or refunding special assessment bonds or notes to refund outstanding bonds or notes. Such funding or refunding bonds or notes shall be subject to the provisions of law governing other special assessment bonds or notes. [1986 c 278 § 21.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**85.38.270 Special assessment bonds issued prior to July 1, 1986.** Special assessment bonds or notes issued by a special district prior to July 1, 1986, shall continue to be retired and be subject to the laws under which they were issued. [1986 c 278 § 22.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

## Title 86

### FLOOD CONTROL

#### Chapters

- 86.09 Flood control districts—1937 act.**  
**86.15 Flood control zone districts.**  
**86.26 State participation in flood control maintenance.**

#### Chapter 86.09

#### FLOOD CONTROL DISTRICTS—1937 ACT

##### Sections

86.09.151	General powers of districts.
86.09.157	Special assessment bonds authorized—Payment from income.
86.09.184	Repealed.
86.09.187	Repealed.
86.09.430	Assessments—Contents of notice of hearing.
86.09.439	Assessments—Conclusiveness of base assessment map.
86.09.562	District funds paid by warrant—Exception.
86.09.568-	through 86.09.589 Repealed.
86.09.604	through 86.09.613 Repealed.
86.09.621	Special assessment bonds.
86.09.710	Annexation of territory—Consolidation of special districts—Suspension of operations—Reactivation.

**86.09.151 General powers of districts.** (1) Said flood control districts shall have full authority to carry out the objects of their creation and to that end are authorized to acquire, purchase, hold, lease, manage, improve, repair, occupy, and sell real and personal property or any interest therein, either inside or outside the boundaries of the district, to enter into and perform any and all necessary contracts, to appoint and employ the necessary officers, agents and employees, to sue and be sued, to exercise the right of eminent domain, to levy and enforce the collection of special assessments and in the manner herein provided against the lands within the district, for district revenues, and to do any and all lawful acts required and expedient to carry out the purpose of this chapter.

(2) In addition to the powers conferred in this chapter and those in chapter 85.38 RCW, flood control districts

may engage in activities authorized under RCW 36.61-.020 for lake management districts using procedures granted in this chapter and in chapter 85.38 RCW. [1986 c 278 § 52; 1937 c 72 § 51; RRS § 9663E-51. Formerly RCW 86.08.260, part.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**86.09.157 Special assessment bonds authorized—Payment from income.** Said flood control districts shall also have authority to issue and sell special assessment bonds or notes of the district in accordance with chapter 85.38 RCW. [1986 c 278 § 40; 1937 c 72 § 53; RRS § 9663E-53. Formerly RCW 86.08.790, part.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**86.09.184 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**86.09.187 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**86.09.430 Assessments—Contents of notice of hearing.** Said notice of hearing on said determination of assessment ratios shall state that the base assessment map designating the classes in which the lands in the district have been placed for assessment purposes on the ratios authorized by law, has been prepared by the board of appraisers and is on file at the office of the district board and may be inspected at any time during office hours; that a hearing on said map will be held before the county legislative authority at the office of the district board on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock (naming the time), where any person may appear and present such objections, if any, he may have to said map, and shall be signed by the secretary of the district. [1986 c 278 § 43; 1937 c 72 § 144; RRS § 9663E-144. Formerly RCW 86.08.480.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**86.09.439 Assessments—Conclusiveness of base assessment map.** Upon the signing of said order by said county legislative authority and the attachment of the same to said base assessment map, said base assessment map and all things set out on the face thereof shall be conclusive in all things upon all parties, unless appealed from to the superior court in the manner and within the time herein provided. [1986 c 278 § 44; 1937 c 72 § 147; RRS § 9663E-147. Formerly RCW 86.08.485, part.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**86.09.562 District funds paid by warrant—Exception.** Said county treasurer shall pay out the moneys received or deposited with him or any portion thereof upon warrants issued by the county auditor of the same county of which the district treasurer is an officer against the proper funds of the district except the sums to be paid out of the special funds for interest and principal payments on bonds or notes. [1986 c 278 § 45;

1983 c 167 § 202; 1937 c 72 § 188; RRS § 9663E-188. Formerly RCW 86.08.710, part.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**Liberal construction**—**Severability**—1983 c 167: See RCW 39.46.010 and note following.

**86.09.568 through 86.09.589 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**86.09.604 through 86.09.613 Repealed.** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**86.09.621 Special assessment bonds.** Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW. [1986 c 278 § 28.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**86.09.710 Annexation of territory—Consolidation of special districts—Suspension of operations—Reactivation.** Flood control districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW. [1986 c 278 § 16.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**Chapter 86.15**

**FLOOD CONTROL ZONE DISTRICTS**

Sections

- 86.15.160 Excess levies, assessments, and charges—Local improvement districts.
- 86.15.176 Service charges authorized—Disposition of revenue.

**86.15.160 Excess levies, assessments, and charges—Local improvement districts.** For the purposes of this chapter the supervisors may authorize:

- (1) An annual excess ad valorem tax levy within any zone or participating zones when authorized by the voters of the zone or participating zones under RCW 84.52.052 and 84.52.054;
- (2) An assessment upon property, including state property, specially benefited by flood control improvements or storm water control improvements imposed under chapter 86.09 RCW;
- (3) Within any zone or participating zones an annual ad valorem property tax levy of not to exceed fifty cents per thousand dollars of assessed value when the levy will not take dollar rates that other taxing districts may lawfully claim and that will not cause the combined levies to exceed the constitutional and/or statutory limitations, and the additional levy, or any portion thereof, may also be made when dollar rates of other taxing units is released therefor by agreement with the other taxing units from their authorized levies;
- (4) A charge, under RCW 36.89.080, for the furnishing of service to those who are receiving or will receive benefits from storm water control facilities and who are

contributing to an increase in surface water runoff. Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state and state property, shall be liable for the charges to the same extent a private person and privately owned property is liable for the charges, and in setting these rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property;

(5) The creation of local improvement districts and utility local improvement districts, the issuance of improvement district bonds and warrants, and the imposition, collection, and enforcement of special assessments on all property, including any state-owned or other publicly-owned property, specially benefited from improvements in the same manner as provided for counties by chapter 36.94 RCW. [1986 c 278 § 60; 1983 c 315 § 19; 1973 1st ex.s. c 195 § 131; 1961 c 153 § 16.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**Severability**—1983 c 315: See note following RCW 90.03.500.

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

**Rates and charges for storm water control facilities—Limitations—Definitions:** RCW 90.03.500 through 90.03.525. See also RCW 35.67.025, 35.92.021, 36.89.085, 36.94.145, and 56.08.012.

**86.15.176 Service charges authorized—Disposition of revenue.** The supervisors may provide by resolution for revenues by fixing rates and charges for the furnishing of service to those served or receiving benefits from a flood control improvement including public entities, except as otherwise provided in RCW 90.03.525. The service charge shall be uniform for the same class of benefits or service. In classifying services furnished or benefits received the board may in its discretion consider the character and use of land and its water runoff characteristics and any other matters that present a reasonable difference as a ground for distinction. Service charges shall be applicable to a zone or participating zones. The disposition of all revenue from service charges shall be in accordance with RCW 86.15.130. [1986 c 278 § 61; 1983 c 315 § 22; 1967 ex.s. c 136 § 7.]

**Severability**—1986 c 278: See note following RCW 36.01.010.

**Severability**—1983 c 315: See note following RCW 90.03.500.

**Chapter 86.26**

**STATE PARTICIPATION IN FLOOD CONTROL MAINTENANCE**

Sections

- 86.26.007 Flood control assistance account—Use—Earnings.
- 86.26.040 Duties of local engineer—Approval of plans, etc., by department of ecology—Grants to prepare comprehensive flood control management plan.
- 86.26.050 Projects in which state will participate—Allocation of funds.
- 86.26.100 Agreement as to participation—Limit on amount.
- 86.26.105 Comprehensive flood control management plan—Requirements—Time for completion.

**86.26.007 Flood control assistance account—Use—Earnings.** The flood control assistance account

is hereby established in the state treasury. At the beginning of each biennium after June 30, 1985, the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. All earnings of investments of balances in the flood control assistance account shall be credited to the general fund. [1986 c 46 § 1; 1985 c 57 § 88; 1984 c 212 § 1.]

Effective date—1985 c 57: See note following RCW 15.52.320.

**86.26.040 Duties of local engineer—Approval of plans, etc., by department of ecology—Grants to prepare comprehensive flood control management plan.** Whenever state grants under this chapter are used in a flood control maintenance project, the engineer of the county within which the project is located shall approve all plans for the specific project and shall supervise the work. The approval of such plans, construction and expenditures by the department of ecology, in consultation with the department of fisheries and the department of game, shall be a condition precedent to state participation in the cost of any project beyond planning and designing the specific project.

Additionally, state grants may be made to counties for preparation of a comprehensive flood control management plan required to be prepared under RCW 86.26.050. [1986 c 46 § 2; 1984 c 212 § 3; 1951 c 240 § 6.]

**86.26.050 Projects in which state will participate—Allocation of funds.** (1) State participation shall be in such preparation of comprehensive flood control management plans and flood control maintenance projects as are affected with a general public and state interest, as differentiated from a private interest, and as are likely to bring about public benefits commensurate with the amount of state funds allocated thereto.

(2) No participation for flood control maintenance projects may occur with a county or other municipal corporation unless the director of ecology has approved the flood plain management activities of the county, city, or town having planning jurisdiction over the area where the flood control maintenance project will be, on the one hundred year flood plain surrounding such area.

The department of ecology shall adopt rules concerning the flood plain management activities of a county, city, or town that are adequate to protect or preclude flood damage to structures, works, and improvements, including the restriction of land uses within a river's meander belt or floodway to only flood-compatible uses. Whenever the department has approved county, city, and town flood plain management activities, as a condition of receiving an allocation of funds under this chapter, each revision to the flood plain management activities must be approved by the department of ecology, in consultation with the department of fisheries and the department of game.

No participation with a county or other municipal corporation for flood control maintenance projects may occur unless the county engineer of the county within which the flood control maintenance project is located certifies that a comprehensive flood control management plan has been completed and adopted by the appropriate local authority, or is being prepared for all portions of the river basin or other area, within which the project is located in that county, that are subject to flooding with a frequency of one hundred years or less.

(3) Participation for flood control maintenance projects and preparation of comprehensive flood control management plans shall be made from grants made by the department of ecology from the flood control assistance account. Comprehensive flood control management plans, and any revisions to the plans, must be approved by the department of ecology, in consultation with the department of fisheries and the department of game. [1986 c 46 § 3; 1985 c 454 § 1; 1984 c 212 § 4; 1951 c 240 § 7.]

**86.26.100 Agreement as to participation—Limit on amount.** State participation in the cost of any flood control maintenance project shall be provided for by a written memorandum agreement between the director of ecology and the legislative authority of the county submitting the request, which agreement, among other things, shall state the estimated cost and the percentage thereof to be borne by the state. In no instance, except on emergency projects, shall the state's share exceed one-half the cost of the project, to include project planning and design. However, grants to prepare a comprehensive flood control management plan required under RCW 86.26.050 shall not exceed seventy-five percent of the full planning costs, but not to exceed amounts for either purpose specified in rule and regulation by the department of ecology. [1986 c 46 § 4; 1984 c 212 § 8; 1951 c 240 § 12.]

**86.26.105 Comprehensive flood control management plan—Requirements—Time for completion.** A comprehensive flood control management plan shall determine the need for flood control work, consider alternatives to in-stream flood control work, identify and consider potential impacts of in-stream flood control work on the state's in-stream resources, and identify the river's meander belt or floodway. A comprehensive flood control management plan shall be completed and adopted within at least three years of the certification that it is being prepared, as provided in RCW 86.26.050.

If after this three-year period has elapsed such a comprehensive flood control plan has not been completed and adopted, grants for flood control maintenance projects shall not be made to the county or municipal corporations in the county until a comprehensive flood control plan is completed and adopted by the appropriate local authority. These limitations on grants shall not preclude allocations for emergency purposes made pursuant to RCW 86.26.060. [1986 c 46 § 5; 1984 c 212 § 9.]

## Title 87 IRRIGATION

### Chapters

#### 87.03 Irrigation districts generally.

### Chapter 87.03

#### IRRIGATION DISTRICTS GENERALLY

#### Sections

87.03.158 Officers, employees, agents—Legal representation—Costs of defense.

**87.03.158 Officers, employees, agents—Legal representation—Costs of defense.** The board of directors of an irrigation district may authorize an attorney of its choosing to defend an officer, employee, or agent of the district, present or former, who requests representation as a result of an action, claim, or proceeding instituted against him or her. The costs of defense, including attorney's fees and any obligation for payment arising from the action, may be paid from district funds. Costs of defense, and judgment or settlement not in the person's favor, shall not be paid by the district if the court finds the person was not acting in good faith or within the scope of the person's employment or duties for the district. [1986 c 8 § 1.]

## Title 88 NAVIGATION AND HARBOR IMPROVEMENTS

### Chapters

#### 88.02 Watercraft registration.

#### 88.16 Pilotage act.

### Chapter 88.02

#### WATERCRAFT REGISTRATION

#### Sections

88.02.075 Duplicate certificates—Replacement decals—Surrender of original certificate or decal.  
88.02.095 Use of vessel in negligent manner or while under the influence of alcohol or drugs prohibited—Penalty.

**88.02.075 Duplicate certificates—Replacement decals—Surrender of original certificate or decal.** (1) If a certificate of title, a certificate of registration, or a pair of decals 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 apply for and may obtain a duplicate certificate or replacement decals upon payment of one dollar and furnishing information satisfactory to the department.

(a) An application for a duplicate certificate of title shall be accompanied by an affidavit of loss or destruction in a form approved by the department and signed by the first secured party or, if none, the owner or legal representative of the owner.

(b) An application for a duplicate certificate of registration or replacement decals shall be accompanied by an affidavit of loss or destruction in a form approved by the department and signed by the registered owner or legal representative of the owner.

(2) The duplicate certificate of title or 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.

(3) A person recovering an original certificate of title, certificate of registration, or decal for which a duplicate or replacement has been issued shall promptly surrender the original to the department. [1986 c 71 § 1.]

#### **88.02.095 Use of vessel in negligent manner or while under the influence of alcohol or drugs prohibited—**

**Penalty.** (1) It shall be unlawful for any person to operate a vessel in a negligent manner, except a commercial vessel which has or is required to have a valid marine document as a vessel of the United States and is operating in the navigable waters of the United States. For the purpose of this section, to "operate in a negligent manner" shall be construed to mean the operation of a vessel in such manner as to endanger or be likely to endanger any persons or property.

(2) A person is guilty of operating a vessel while under the influence of intoxicating liquor or any drug if the person operates a vessel within this state while:

(a) The person has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of the person's breath, blood, or other bodily substance made under RCW 46.61.506; or

(b) The person is under the influence of or affected by intoxicating liquor or any drug; or

(c) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. A person cited under this subsection may upon request be given a breath test for blood alcohol or may request to have a blood sample taken for blood alcohol analysis. An arresting officer shall administer field sobriety tests when circumstances permit.

(3) For the purposes of this section, "vessel" means any watercraft used or capable of being used as a means of transportation on the water.

(4) For the purpose of this section, "vessel operator" means a person who is in actual physical control of a vessel.

(5) A violation of this section is a misdemeanor, punishable by up to ninety days in jail and by a fine of not more than one thousand dollars. In addition, the court

may order the defendant to pay restitution for any damages or injuries resulting from the offense. [1986 c 153 § 6; 1985 c 267 § 2.]

### Chapter 88.16 PILOTAGE ACT

#### Sections

- 88.16.090 Pilots' licenses—Qualifications—Duration—Annual fee—Written and oral examinations—Physical examinations—Familiarization trips—Penalty—Reporting requirements.
- 88.16.100 Pilots' licenses—Revocation, suspension, etc., of—Fine—Procedure—Judicial review.
- 88.16.103 Mandatory rest periods for pilots—Rules—Pilot to refuse assignment, when, report—Penalty.

**88.16.090 Pilots' licenses—Qualifications—Duration—Annual fee—Written and oral examinations—Physical examinations—Familiarization trips—Penalty—Reporting requirements.** (1) No person may pilot any vessel subject to the provisions of this chapter on waters covered by this chapter unless such a person is appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) No person is eligible to be appointed a pilot unless such a person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years and a resident of the state of Washington at the time of appointment, nor unless the pilot applicant holds as a minimum, a United States government license as a master of freight and towing vessels not more than one thousand gross tons (inspected vessel), such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in the pilotage districts for which the pilot applicant desires to be licensed, nor unless the pilot applicant meets such other qualifications as may be required by the board.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee established by the board of pilotage commissioners pursuant to chapter 34.04 RCW, but not to exceed one thousand five hundred dollars, to be placed in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications.

(5) On and after September 21, 1977, the board shall have developed five examinations and grading sheets for the Puget Sound pilotage district, and two for each other

pilotage district, for the testing and grading of pilot applicants. The examinations shall be administered to pilot applicants on a random basis and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who wilfully gives advance knowledge of information contained on a pilot examination is guilty of a gross misdemeanor.

(6) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties.

(7) The board shall prescribe, pursuant to chapter 34.04 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

(8) The board shall prescribe, pursuant to chapter 34.04 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims, and records of familiarization trips of pilot candidates. Willful misrepresentation of such required information by a pilot candidate shall result in disqualification of the candidate. [1986 c 122 § 1; 1981 c 303 § 1; 1979 ex.s. c 207 § 3; 1977 ex.s. c 337 § 7; 1967 c 15 § 5; 1935 c 18 § 8; RRS § 9871-8. Prior: 1907 c 147 § 1; 1888 p 176 § 8.]

**Severability—1977 ex.s. c 337:** See note following RCW 88.16.005.

**88.16.100 Pilots' licenses—Revocation, suspension, etc., of—Fine—Procedure—Judicial review.** (1) The board shall have power on its own motion or, in its discretion, upon the written request of any interested party, to investigate the performance of pilotage services

subject to this chapter and to issue a fine in an amount not to exceed five thousand dollars and suspend, withhold, or revoke the license of any pilot for misconduct, incompetency, inattention to duty, intoxication, or failure to perform his duties under this chapter, or violation of any of the rules or regulations provided by the board for the government of pilots.

(2) In all instances where a pilot licensed under this chapter performs pilot services on a vessel exempt under RCW 88.16.070, the board may investigate whether the services were performed in a professional manner consistent with sound maritime practices. If the board finds that the pilotage services were performed in a negligent manner so as to endanger life, limb, or property, the board shall impose a fine of not more than five thousand dollars upon the offending pilot.

(3) When the board determines that reasonable cause exists to impose a fine or suspend, revoke, or withhold any pilot's license it shall forthwith prepare and personally serve upon such pilot a notice advising him of the board's intended action, the specific grounds therefor, and the right to request a hearing to challenge the board's action. The pilot shall have thirty days from the date on which notice is served to request a full hearing before an administrative law judge on the issue of the fine or suspension, revocation, or withholding of his pilot's license. The board's proposed fine or suspension, revocation, or withholding of a license shall become final upon the expiration of thirty days from the date notice is served, unless a hearing has been requested prior to that time. When a hearing is requested the board shall request the appointment of an administrative law judge under chapter 34.12 RCW who has sufficient experience and familiarity with pilotage matters to be able to conduct a fair and impartial hearing. The hearing shall be governed by the provisions of Title 34 RCW. All final decisions of the administrative law judge shall be subject to review by the superior court of the state of Washington for Thurston county or by the superior court of the county in which the pilot maintains his residence or principal place of business, to which court any case with all the papers and proceedings therein shall be immediately certified by the administrative law judge if requested to do so by any party to the proceedings at any time within thirty days after the date of any such final decision. No appeal may be taken after the expiration of thirty days after the date of final decision. Any case so certified to the superior court shall be tried de novo and after certification of the record to said superior court the proceedings shall be had as in a civil action. Moneys collected from fines under this section shall be deposited in the pilotage account. [1986 c 121 § 1; 1981 c 67 § 36; 1977 ex.s. c 337 § 12; 1971 ex.s. c 297 § 4; 1935 c 18 § 13; RRS § 9871-13. Prior: 1888 p 178 § 10.]

**Severability**—1986 c 121: "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." [1986 c 121 § 2.]

**Effective dates**—**Severability**—1981 c 67: See notes following RCW 34.12.010.

**Severability**—1977 ex.s. c 337: See note following RCW 88.16.005.

**88.16.103 Mandatory rest periods for pilots—Rules—Pilot to refuse assignment, when, report—Penalty.** (1) Pilots, after completion of an assignment or assignments which are seven hours or longer in duration, shall receive a mandatory rest period of seven hours.

(2) A pilot shall refuse a pilotage assignment if the pilot is physically or mentally fatigued or if the pilot has a reasonable belief that the assignment cannot be carried out in a competent and safe manner. Upon refusing an assignment as herein provided a pilot shall submit a written explanation to the board within forty-eight hours. If the board finds that the pilot's written explanation is without merit, or reasonable cause did not exist for the assignment refusal, such pilot may be subject to the provisions of RCW 88.16.100.

(3) The board shall quarterly review the dispatch records of pilot organizations or pilot's quarterly reports to ensure the provisions of this section are enforced. The board may prescribe rules for rest periods pursuant to chapter 34.04 RCW. [1986 c 122 § 2; 1977 ex.s. c 337 § 9.]

**Severability**—1977 ex.s. c 337: See note following RCW 88.16.005.

## Title 90

### WATER RIGHTS—ENVIRONMENT

#### Chapters

- 90.03 Water code—1917 act.  
90.58 Shoreline management act of 1971.

#### Chapter 90.03

#### WATER CODE—1917 ACT

#### Sections

- 90.03.500 Storm water control facilities—Imposition of rates and charges—Legislative findings.  
90.03.510 Storm water control facilities—Imposition of rates and charges—Credit for other improvements.  
90.03.520 Storm water control facilities—Imposition of rates and charges—Definitions.  
90.03.525 Storm water control facilities—Imposition of rates and charges with respect to state highway rights of way.

**90.03.500 Storm water control facilities—Imposition of rates and charges—Legislative findings.** The legislature finds that increasing the surface water or storm water accumulation on or flow over real property, beyond that which naturally occurs on the real property, may cause severe damage to the real property and limit the gainful use or enjoyment of the real property, resulting in a tort, nuisance, or taking. The damage can arise from activities increasing the point or nonpoint flow of surface water or storm water over the real property, or altering or interrupting the natural drainage from the

real property. The legislature finds that it is in the public interest to permit the construction and operation of public improvements to lessen the damage. The legislature further finds that it is in the public interest to provide for the equitable imposition of special assessments, rates, and charges to fund such improvements. This shall include the imposition of special assessments, rates, and charges on real property to fund that reasonable portion of the public improvements that alleviate the damage arising from activities that are the proximate cause of the damage on other real property. Except as otherwise provided in RCW 90.03.525, these special assessments, rates, and charges may be imposed on any publicly-owned, including state-owned, real property that causes such damage. [1986 c 278 § 62; 1983 c 315 § 8.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**Severability—1983 c 315:** "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." [1983 c 315 § 26.]

*Flood control zone districts—Storm water control improvements: Chapter 86.15 RCW.*

*Public property subject to rates and charges for storm water control facilities: RCW 35.67.025, 35.92.021, 36.89.085, 36.94.145, and 56.08.012.*

**90.03.510 Storm water control facilities—Imposition of rates and charges—Credit for other improvements.** Whenever a county, city, town, sewer district, or flood control zone district imposes rates or charges to fund storm water control facilities or improvements and the operation and maintenance of such facilities or improvements under RCW 35.67.020, 35.92.020, 36.89.080, 36.94.140, 56.08.010, or 56.16.090, it may provide a credit for the value of storm water control facilities or improvements that a person or entity has installed or located that mitigate or lessen the impact of storm water which otherwise would occur. [1986 c 278 § 63; 1983 c 315 § 9.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

**Severability—1983 c 315:** See note following RCW 90.03.500.

**90.03.520 Storm water control facilities—Imposition of rates and charges—Definitions.** The definitions set forth in this section apply to RCW 90.03.525 and 35.67.025.

(1) "State highway right of way" means the right of way for a state highway. The phrase includes the right of way of a state limited-access highway inside or outside a city or town but does not include city or town streets forming a part of the route of state highways that are not limited-access highways. The term does not include state property under the jurisdiction of the department of transportation that is outside the right of way lines of a state highway.

(2) "Storm water control facility" means any facility, improvement, development, property, or interest therein, made, constructed, or acquired for the purpose of controlling, or protecting life or property from, any storm, waste, flood, or surplus waters.

(3) "Rate" means the dollar amount charged per unit of surface area of a parcel of real property based upon factors established by the local government utility.

(4) "Comparable real property" means real property equal to the state highway right of way or a section of state highway right of way in terms of the factors considered by the local government utility in establishing rates. [1986 c 278 § 53.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

*Public property subject to rates and charges for storm water control facilities: RCW 35.67.025.*

**90.03.525 Storm water control facilities—Imposition of rates and charges with respect to state highway rights of way.** The rate charged by a local government utility to the department of transportation with respect to state highway right of way or any section of state highway right of way for the construction, operation, and maintenance of storm water control facilities under chapters 35.67, 35.92, 36.89, 36.94, 56.08, and 86.15 RCW, shall be thirty percent of the rate for comparable real property, except as otherwise provided in this section. The rate charged to the department with respect to state highway right of way or any section of state highway right of way within a local government utility's jurisdiction shall not, however, exceed the rate charged for comparable city street or county road right of way within the same jurisdiction. The legislature finds that the aforesaid rates are presumptively fair and equitable because of the traditional and continuing expenditures of the department of transportation for the construction, operation, and maintenance of storm water control facilities designed to control surface water or storm water runoff from state highway rights of way. The utility imposing the charge and the department of transportation may, however, agree to either higher or lower rates with respect to the construction, operation, or maintenance of any specific storm water control facilities based upon the extent and adequacy of storm water control facilities constructed by the department and upon the actual benefits to state highway rights of way from the storm water control facilities constructed by the local government utility. If a different rate is agreed to, a report so stating shall be submitted to the legislative transportation committee. If the local government utility and the department of transportation cannot agree upon the proper rate, and after a report has been submitted to the legislative transportation committee and after ninety days from submission of such report, either may commence an action in the superior court for the county in which the state highway right of way is located to establish the proper rate. The court in establishing the proper rate shall take into account the extent and adequacy of storm water control facilities constructed by the department and the actual benefits to the sections of state highway rights of way from storm water control facilities constructed, operated, and maintained by the local government utility. Control of surface water runoff and storm water runoff from state highway rights of way shall be deemed an actual benefit to the state highway rights of way. The rate for sections of state highway right of way



as determined by the court shall be set forth in terms of the percentage of the rate for comparable real property, but shall in no event exceed the rate charged for comparable city street or county road right of way within the same jurisdiction. [1986 c 278 § 54.]

**Severability—1986 c 278:** See note following RCW 36.01.010.

### Chapter 90.58

## SHORELINE MANAGEMENT ACT OF 1971

#### Sections

90.58.030	Definitions and concepts.
90.58.180	Appeals from granting, denying, or rescinding permits, procedure—Board to act, when—Local government appeals to board—Grounds for declaring rule, regulation, or guideline invalid—Appeals to court, procedure.
90.58.190	Review and adjustments to master programs.
90.58.210	Court actions to insure against conflicting uses and to enforce—Civil penalty—Review.

**90.58.030 Definitions and concepts.** As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: *Provided*, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i)

shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta—from DeWolf Bight to Tatsolo Point,

(B) Birch Bay—from Point Whitehorn to Birch Point,

(C) Hood Canal—from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area—from Brown Point to Yokeko Point, and

(E) Padilla Bay—from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology: *Provided*, That any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: *Provided*, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or

necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on wetlands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of a single family residence, the cost of which does not exceed two thousand five hundred dollars;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(xi) Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge. [1986 c 292 § 1; 1982 1st ex.s. c 13 § 2; 1980 c 2 § 3; 1979 ex.s. c 84 § 3; 1975 1st ex.s. c 182 § 1; 1973 1st ex.s. c 203 § 1; 1971 ex.s. c 286 § 3.]

**Severability—1986 c 292:** "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." [1986 c 292 § 5.]

**Intent—1980 c 2; 1979 ex.s. c 84:** "The legislature finds that high tides and hurricane force winds on February 13, 1979, caused conditions resulting in the catastrophic destruction of the Hood Canal bridge on state route 104, a state highway on the federal-aid system; and, as a consequence, the state of Washington has sustained a sudden and complete failure of a major segment of highway system with a disastrous impact on transportation services between the counties of Washington's Olympic peninsula and the remainder of the state. The governor has by proclamation found that these conditions constitute an emergency. To minimize the economic loss and hardship to residents of

the Puget Sound and Olympic peninsula regions, it is the intent of this act to authorize the department of transportation to undertake immediately all necessary actions to restore interim transportation services across Hood Canal and Puget Sound and upon the Kitsap and Olympic peninsulas and to design and reconstruct a permanent bridge at the site of the original Hood Canal bridge. The department of transportation is directed to proceed with such actions in an environmentally responsible manner that would meet the substantive objectives of the state environmental policy act and the shorelines management act, and shall consult with the department of ecology in the planning process. The exemptions from the state environmental policy act and the shorelines management act contained in RCW 43.21C.032 and 90.58.030 are intended to approve and ratify the timely actions of the department of transportation taken and to be taken to restore interim transportation services and to reconstruct a permanent Hood Canal bridge without procedural delays." [1980 c 2 § 1; 1979 ex.s. c 84 § 1.] The reference to "this act" refers to 1979 ex.s. c 84 which consists of this section, the amendment to RCW 90.58.030 by 1979 ex.s. c 84, and to new sections RCW 43.21C.032 and 90.58.145.

**90.58.180 Appeals from granting, denying, or rescinding permits, procedure—Board to act, when—Local government appeals to board—Grounds for declaring rule, regulation, or guideline invalid—Appeals to court, procedure.** (1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 as now or hereafter amended may seek review from the shorelines hearings board by filing a request for the same within thirty days of the date of filing as defined in RCW 90.58.140(6) as now or hereafter amended.

Concurrently with the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of his request with the department and the attorney general. If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor: *Provided*, That the failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the request for review filed pursuant to this section. The shorelines hearings board shall initially schedule review proceedings on such requests for review without regard as to whether such requests have or have not been certified or as to whether the period for the department or the attorney general to intervene has or has not expired, unless such review is to begin within thirty days of such scheduling. If at the end of the thirty day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule.

(2) The department or the attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with

the shorelines hearings board and the appropriate local government within thirty days from the date the final order was filed as provided in RCW 90.58.140(6) as now or hereafter amended.

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases. Judicial review of such proceedings of the shorelines hearings board may be had as provided in chapter 34.04 RCW.

(4) Local government may appeal to the shorelines hearings board any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

If the board determines that said rule, regulation, or guideline:

(a) Is clearly erroneous in light of the policy of this chapter; or

(b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(c) Is arbitrary and capricious; or

(d) Was developed without fully considering and evaluating all material submitted to the department by the local government; or

(e) Was not adopted in accordance with required procedures;

the board shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new rule, regulation, or guideline. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect.

(5) Rules, regulations, and guidelines shall be subject to review in superior court, if authorized pursuant to RCW 34.04.070: *Provided*, That no review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section is filed within three months after the date of final decision by the shorelines hearings board. [1986 c 292 § 2; 1975-'76 2nd ex.s. c 51 § 2; 1975 1st ex.s. c 182 § 4; 1973 1st ex.s. c 203 § 2; 1971 ex.s. c 286 § 18.]

**Severability—1986 c 292:** See note following RCW 90.58.030.

**90.58.190 Review and adjustments to master programs.** (1) The department and each local government shall periodically review any master programs under its jurisdiction and make such adjustments thereto as are necessary. Any adjustments proposed by a local government to its master program shall be forwarded to the department for review. The department shall approve, reject, or propose modification to the adjustment. If the department either rejects or proposes modification to the master program adjustment, it shall provide substantive

written comments as to why the proposal is being rejected or modified.

(2) Any local government aggrieved by the department's decision to approve, reject, or modify a proposed master program or master program adjustment may appeal the department's decision to the shorelines hearings board. In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program adjustment and, after full consideration of the presentations of the local government and the department, shall determine the validity of the local government's adjustment in light of the policy of RCW 90.58.020 and the applicable guidelines. In an appeal relating to shorelines of state-wide significance, the board shall uphold the decision by the department unless a local government shall, by clear and convincing evidence and argument, persuade the board that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines. Review by the hearings board shall be considered a contested case under chapter 34.04 RCW. The aggrieved local government shall have the burden of proof in all such reviews. Whenever possible, the review by the hearings board shall be heard within the county where the land subject to the proposed master program or master program adjustment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to the superior court of Thurston county.

(3) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program adjustment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program adjustment. [1986 c 292 § 3; 1971 ex.s. c 286 § 19.]

**Severability—1986 c 292:** See note following RCW 90.58.030.

**90.58.210 Court actions to insure against conflicting uses and to enforce—Civil penalty—Review.** (1) The attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions and programs of this chapter, and to otherwise enforce the provisions of this chapter.

(2) Any person who shall fail to conform to the terms of a permit issued under this chapter or who shall undertake development on the shorelines of the state without first obtaining any permit required under this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to

the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the department for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty upon whatever terms the department or local government in its discretion deems proper. Any penalty imposed pursuant to this section by the department shall be subject to review by the shorelines hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the shorelines hearings board. [1986 c 292 § 4; 1971 ex.s. c 286 § 21.]

**Severability—1986 c 292:** See note following RCW 90.58.030.

## Title 91 WATERWAYS

### Chapters

#### 91.14 Passenger watercraft for hire—Operation.

#### Chapter 91.14

#### PASSENGER WATERCRAFT FOR HIRE— OPERATION

#### Sections

91.14.005	Purpose.
91.14.010	Definitions.
91.14.020	Operation of watercraft.
91.14.030	Watercraft rights of way.
91.14.040	Operators—First aid card required—Exception.
91.14.050	Safety equipment.
91.14.060	Whitewater river sections—Use of alcohol prohibited—Watercraft to be accompanied by other watercraft.
91.14.070	Whitewater river sections—Designation.
91.14.080	Death or disappearance from watercraft—Notification of authorities.
91.14.090	Registration of persons carrying passengers for hire on whitewater river sections—List of registered persons—Notice of registrants' insurance termination—State immune from civil actions arising from registration.
91.14.100	Enforcement—Chapter to supplement federal law.
91.14.110	Civil penalty.

**91.14.005 Purpose.** The purpose of this chapter is to further the public interest, welfare, and safety by providing for the protection and promotion of safety in the operation of watercraft carrying passengers for hire on the rivers of this state. [1986 c 217 § 1.]

**91.14.010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Watercraft" means every type of watercraft carrying passengers for hire used as a means of transportation on a river, including but not limited to power boats, drift boats, open canoes, inflatable crafts, decked canoes, and kayaks.

(2) "Carrying passengers for hire" means carrying passengers by watercraft for valuable consideration, whether given directly or indirectly or received by the owner, agent, operator, or other person having an interest in the watercraft. This shall not affect trips where expenses for food, transportation, or incidentals are shared by participants on an even basis. Anyone receiving compensation for skills or money for amortization of equipment and carrying passengers shall be considered to be carrying passengers for hire. Individuals licensed under chapter 77.32 RCW and acting as a fishing guide are exempt from this chapter.

(3) "Operate" means to navigate or otherwise use a watercraft.

(4) "Operator" means any person operating the watercraft or performing the duties of a pilot or guide for one or more watercraft in a group.

(5) "Passenger" means every person on board a watercraft who is not an operator.

(6) "Rivers of the state" means those rivers and streams, or parts thereof, within the boundaries of this state. [1986 c 217 § 2.]

**91.14.020 Operation of watercraft.** (1) No person may operate any watercraft in a manner that interferes with other watercraft or with the free and proper navigation of the rivers of this state.

(2) Every operator of a watercraft shall at all times operate the watercraft in a careful and prudent manner and at such a speed as to not endanger the life, limb, or property of any person.

(3) No watercraft may be loaded with passengers or cargo beyond its safe carrying capacity taking into consideration the type and construction of the watercraft and other existing operating conditions. In the case of inflatable crafts, safe carrying capacity in whitewater shall be considered as less than the United States Coast Guard capacity rating for each watercraft. This subsection shall not apply in cases of an unexpected emergency on the river. [1986 c 217 § 3.]

**91.14.030 Watercraft rights of way.** (1) Except as provided in subsection (2) of this section, watercraft proceeding downstream have the right of way over watercraft proceeding upstream.

(2) In all cases, watercraft not under power have the right of way over motorized craft underway. [1986 c 217 § 4.]

**91.14.040 Operators—First aid card required—Exception.** (1) No person may operate on the rivers of

this state a watercraft carrying passengers for hire unless the person has been issued a valid Red Cross standard first aid card or at least its equivalent.

(2) This section does not apply to a person operating a vessel on the navigable waters of the United States in this state and who is licensed by the United States Coast Guard for the type of vessel being operated. [1986 c 217 § 5.]

**91.14.050 Safety equipment.** While carrying passengers for hire on whitewater river sections in this state, the operator and owner shall:

(1) If using inflatable watercraft, use only watercraft with three or more separate air chambers;

(2) Ensure that all passengers and operators are wearing a securely fastened United States Coast Guard approved type III or type V life jacket in good condition;

(3) Ensure that each watercraft has accessible a spare type III or type V life jacket in good repair;

(4) Ensure that each watercraft has on it a bagged throwable line with a floating line and bag;

(5) Ensure that each watercraft has accessible an adequate first-aid kit;

(6) Ensure that each watercraft has a spare propelling device;

(7) Ensure that a repair kit and air pump are accessible to inflatable watercraft; and

(8) Ensure that equipment to prevent and treat hypothermia is accessible to all watercraft on a trip. [1986 c 217 § 6.]

**91.14.060 Whitewater river sections—Use of alcohol prohibited—Watercraft to be accompanied by other watercraft.** (1) Watercraft operators and passengers on any trip carrying passengers for hire shall not allow the use of alcohol during the course of a trip on a whitewater river section in this state.

(2) Any watercraft carrying passengers for hire on any whitewater river section in this state must be accompanied by at least one other watercraft under the supervision of the same operator or owner or being operated by a person registered under RCW 91.14.090 or an operator under the direction or control of a person registered under RCW 91.14.090. [1986 c 217 § 7.]

**91.14.070 Whitewater river sections—Designation.** Whitewater river sections include but are not limited to:

(1) Green river above Flaming Geyser state park;

(2) Klickitat river above the confluence with Summit creek;

(3) Methow river below the town of Carlton;

(4) Sauk river above the town of Darrington;

(5) Skagit river above Bacon creek;

(6) Suiattle river;

(7) Tieton river below Rimrock dam;

(8) Skykomish river below Sunset Falls and above the Highway 2 bridge one mile east of the town of Gold Bar;

(9) Wenatchee river above the Wenatchee county park at the town of Monitor;

(10) White Salmon river; and

(11) Any other section of river designated a "whitewater river section" by the interagency committee for outdoor recreation. Such river sections shall be class two or greater difficulty under the international scale of whitewater difficulty. [1986 c 217 § 8.]

**91.14.080 Death or disappearance from watercraft—Notification of authorities.** (1) When, as a result of an occurrence that involves a watercraft or its equipment, a person dies or disappears from a watercraft, the operator shall notify the nearest sheriff's department, state patrol office, coast guard station, or other law enforcement agency of:

(a) The date, time, and exact location of the occurrence;

(b) The name of each person who died or disappeared;

(c) A description of the watercraft; and

(d) The names and addresses of the owner and operator.

(2) When the operator of a boat cannot give the notice required by subsection (1) of this section, each person on board the boat shall either give the notice or determine that the notice has been given. [1986 c 217 § 9.]

**91.14.090 Registration of persons carrying passengers for hire on whitewater river sections—List of registered persons—Notice of registrants' insurance termination—State immune from civil actions arising from registration.** (1) Any person carrying passengers for hire on whitewater river sections in this state may register with the department of licensing. Each registration application shall be submitted annually on a form provided by the department of licensing and shall include the following information:

(a) The name, residence address, and residence telephone number, and the business name, address, and telephone number of the registrant;

(b) Proof that the registrant has liability insurance for a minimum of three hundred thousand dollars per claim for occurrences by the registrant and the registrant's employees that result in bodily injury or property damage; and

(c) Certification that the registrant will maintain the insurance for a period of not less than one year from the date of registration.

(2) The department of licensing shall charge a fee for each application, to be set in accordance with RCW 43.24.086.

(3) Any person advertising or representing themselves as having registered under this section who is not currently registered is guilty of a gross misdemeanor.

(4) The department of licensing shall submit annually a list of registered persons and companies to the department of trade and economic development, tourism promotion division.

(5) If an insurance company cancels or refuses to renew insurance for a registrant during the period of registration, the insurance company shall notify the department of licensing in writing of the termination of

coverage and its effective date not less than thirty days before the effective date of termination.

(a) Upon receipt of an insurance company termination notice, the department of licensing shall send written notice to the registrant that on the effective date of termination the department of licensing will suspend the registration unless proof of insurance as required by this section is filed with the department of licensing before the effective date of the termination.

(b) If an insurance company fails to give notice of coverage termination, this failure shall not have the effect of continuing the coverage.

(c) The department of licensing may suspend or revoke registration under this section if the registrant fails to maintain in full force and effect the insurance required by this section.

(6) The state of Washington shall be immune from any civil action arising from a registration under this section. [1986 c 217 § 11.]

**91.14.100 Enforcement—Chapter to supplement federal law.** (1) Every peace officer of this state and its political subdivisions has the authority to enforce this chapter. Wildlife agents of the department of game and fisheries patrol officers of the department of fisheries, through their directors, the state patrol, through its chief, county sheriffs, and other local law enforcement bodies, shall assist in the enforcement. In the exercise of this responsibility, all such officers may stop any watercraft and direct it to a suitable pier or anchorage for boarding.

(2) A person, while operating a watercraft on any waters of this state, shall not knowingly flee or attempt to elude a law enforcement officer after having received a signal from the law enforcement officer to bring the boat to a stop.

(3) This chapter shall be construed to supplement federal laws and regulations. To the extent this chapter is inconsistent with federal laws and regulations, the federal laws and regulations shall control. [1986 c 217 § 10.]

**91.14.110 Civil penalty.** A person violating this chapter shall be subject to a civil penalty of up to one hundred fifty dollars per violation. [1986 c 217 § 12.]

# GENERAL INDEX — 1986 RCW SUPPLEMENT

## ABSENTEE VOTING

- Application for procedure 29.36.010
- Hospital patients 29.36.010
- Ongoing status for disabled, blind, or elderly status criteria 29.36.013
- termination every other year with renewal option 29.36.016
- Persons authorized 29.36.010

## ABSTRACTS

- Business and occupation tax, charge of business as retail sale 82.04.050

## ACCOUNTANTS

- Board of accountancy
  - annual report 18.04.045
  - authority 18.04.045
  - created 18.04.035
  - duties 18.04.045
  - officers 18.04.045
  - responsibility 18.04.045
  - rule adoption 18.04.055
- Certified public accountant certification of
  - examination 18.04.105
  - fee 18.04.105
  - grandfathered 18.04.105
  - nonresidents 18.04.185
  - reissuance 18.04.335
  - renewal
    - refusal of procedure 18.04.320
  - requirements 18.04.105
  - revocation, suspension, or refusal procedure 18.04.320
- certified public accountant account 18.04.105
- confidential information
  - disclosure procedure 18.04.405
- continuing education 18.04.215
- corporations
  - licensure 18.04.195
    - revocation or suspension 18.04.305
    - procedure 18.04.320
  - registration 18.04.205
- licenses 18.04.215
  - reissuance or modification 18.04.335
  - renewal
    - refusal of 18.04.295, 18.04.295, 18.04.305
    - procedure 18.04.320
  - revocation, suspension, or censure 18.04.295, 18.04.295, 18.04.305
  - revocation, suspension, or refusal procedure 18.04.320
- offices
  - registration 18.04.205
- partnerships
  - licensure 18.04.195
    - revocation or suspension 18.04.305
    - procedure 18.04.320
  - registration 18.04.205
  - prohibited practices 18.04.345
- Confidential information
  - disclosure procedure 18.04.405
- Continuing education 18.04.215
- Continuing professional education 18.04.105
- Corporations
  - licensure 18.04.195
    - revocation or suspension 18.04.305
    - procedure 18.04.320

## ACCOUNTANTS—Cont.

- Corporations—Cont.
  - registration 18.04.205
- Definitions
  - public accountancy act 18.04.025
- False advertising 18.04.380
- Licenses
  - issuance 18.04.215
  - reissuance or modification 18.04.335
  - renewal 18.04.215
  - revocation, suspension, or censure 18.04.295, 18.04.305
  - revocation, suspension, or refusal procedure 18.04.320
- Nonresidents
  - certified public accountant biennial license 18.04.185
  - certification of 18.04.185
- Offices
  - registration 18.04.205
- Partnerships
  - licensure 18.04.195
    - revocation or suspension procedure 18.04.320
  - registration 18.04.205
  - revocation or suspension 18.04.305
- Practices allowed 18.04.350
- Prohibited practices 18.04.345
- Public accounting
  - licenses 18.04.215
    - reissuance or modification 18.04.335
    - revocation, suspension, or censure 18.04.295, 18.04.305
    - revocation, suspension, or refusal procedure 18.04.320
- Records, statements, etc.
  - remain property of accountant making them 18.04.390
  - sale or transfer of, need consent of client, exceptions 18.04.390
- Rules
  - board of accountancy may adopt 18.04.055

## ACCOUNTS AND ACCOUNTING

- Cities of second class, power to examine official accounts 35.23.440
- Fleet vehicles, proportional registration, accounting on withdrawal of vehicles 46.85.160
- Records, statements, etc., remain property of accountant making them 18.04.390

## ACTED

- Defined, for Washington Criminal Code 9A.04.110

## ACTIONS AND PROCEEDINGS

- Attorney fees 4.24.005
- Bank deposits and collections, checks dishonored, payee's rights 62A.3-515
- Building wardens, immunity from liability 4.24.400
- Chiropractor, professional negligence limitation on 4.16.350
- Construction contracts 4.16.300
  - limitation on 4.16.310
  - negligence, public policy against indemnification for 4.24.115
- Dentistry, professional negligence limitation on 4.16.350
- Fault
  - determination, limitations 4.22.070

## ACTIONS AND PROCEEDINGS—Cont.

- Foreign corporations
  - certificate of authority, prerequisite to maintaining 23A.32.190
- Health maintenance organizations, professional negligence limitation on 4.16.350
- Hospital personnel, professional negligence limitation on 4.16.350
- Hospitals, professional negligence limitation on 4.16.350
- Medical malpractice suits
  - elements of proof 7.70.040
- Motor vehicle business practices 46.70.070, 46.70.190
- Nursing homes, professional negligence, claims arising from 4.16.350
- Opticians, professional negligence limitation on 4.16.350
- Optometrists, professional negligence limitation on 4.16.350
- Osteopathic physician
  - professional negligence limitation on 4.16.350
- Osteopathic physician's assistant, professional negligence limitation on 4.16.350
- Personal injuries
  - multiple persons at fault, joint and several liability 4.22.030
- Pharmacist, professional negligence limitation on 4.16.350
- Physical therapists, professional negligence limitation on 4.16.350
- Physician and surgeon, professional negligence limitation on 4.16.350
- Physician's assistant, professional negligence limitation on 4.16.350
- Physician's trained mobile intensive care paramedic, professional negligence limitation on 4.16.350
- Podiatrist
  - professional negligence limitation on 4.16.350
- Practical nurse, professional negligence limitation on 4.16.350
- Professional negligence
  - claims arising from 4.16.350
- Psychologist, professional negligence limitation on 4.16.350
- Real property
  - improvements to, public policy against agreements indemnifying for negligence related to 4.24.115
- Registered nurse, professional negligence limitation on 4.16.350
- Service of process
  - corporations, service on secretary of state business corporations 23A.08.110
  - nonprofit corporations 24.03.060
- Vehicle business practices
  - damages, limitation 46.70.190
- Vehicle dealers, against, limitation on recovery from bond 46.70.070

## ACTOR

- Defined, for Washington Criminal Code 9A.04.110

## ACTUARIAL FISCAL NOTES

- State actuary duties 44.44.040

## ACTUARY

### ACTUARY

City retirement systems  
state-wide 41.40.361  
State actuary, office of  
state actuary  
powers and duties 44.44.040  
State employees' retirement system 41.40.361

### ACUPUNCTURE

Acupuncturist  
immune from civil action when charging another with incompetency or gross misconduct 4.24.250  
immunity from prosecution  
performance of duty 4.24.240  
professional negligence  
standard of proof 4.24.290  
Crimes  
failure to provide patient information form 18.06.150

### ADMINISTRATIVE HEARINGS, OFFICE OF

Administrative law judge  
salaries, how determined 34.12.100  
Chief administrative law judge  
salary, how determined 34.12.100  
Salaries 34.12.100

### ADMINISTRATIVE PROCEDURE ACT

Procedures of various agencies to accord Administrative Procedure Act  
insurance commissioner 48.44.020  
vehicle dealers, salesmen, and manufacturers 46.70.102

### Rules

adoption of  
state register, contained in 34.08.020  
amendment of  
state register, contained in 34.08.020  
emergency rules  
state register, contained in 34.08.020  
repeal of  
state register, contained in 34.08.020  
Vehicle dealers, salesmen, and manufacturers 46.70.102

### ADMINISTRATOR FOR THE COURTS

Judicial impact notes  
copies to be filed 2.56.120  
development of with office of financial management 2.56.120  
legislators may request 2.56.120  
procedure, establishment of 2.56.120

### ADOPTION

Industrial insurance, adopted child, defined 51.08.030  
Insurance coverage 48.01.180  
health care 48.20.500, 48.21.280, 48.44.420, 48.46.490

### ADVERTISING

Accountancy, false advertising 18.04.380  
Auctioneers  
advertisement requirements 18.11.210  
Bank or trust company  
use of words restricted to banks and trust companies 30.04.020  
Charitable solicitations  
conditions 19.09.100  
Dentistry, false advertising prohibited 18.32.290  
Physical therapists  
violations 18.74.090  
Retail sales  
advertised price, conditions on including tax 82.08.050

### ADVERTISING—Cont.

Use of "bank" or "trust" restricted to banks and trust companies, penalty 30.04.020

### AERONAUTICS

Intoxicating liquor, licenses for dining places on aircraft 66.24.400  
Licenses  
liquor sales on aircraft 66.24.400

### AFFIDAVITS

Justices, supreme court, salary affidavit 2.04.092

### AGE

Children  
compulsory school attendance, minimum age for employment of 28A.27.010  
Compulsory school attendance, exemptions 28A.27.010  
Instruction permit, motor vehicle, motorcycle drivers, age limit, restrictions 46.20.055  
Insurance  
industrial, definition of child 51.08.030

### AGED PERSONS

Transportation 28A.24.055

### AGENTS

Apple advertising commission authority to employ 15.24.070  
Corporation  
registered agent  
nonprofit corporations  
consent of 24.03.050  
necessity for 24.03.050  
Fire or casualty insurance companies, independent resident managing general agent, business and occupation tax upon 82.04.280  
Livestock dealer  
bond 20.01.210

### AGREEMENTS

To indemnify for negligence in construction, alteration of improvements to real property, against public interest 4.24.115

### AGRICULTURAL COOPERATIVES

Definitions  
agricultural enabling act of 1955 15.66.010  
agricultural enabling act of 1961 15.65.020  
Foreign corporations  
certificate of authority 23A.32.050

### AGRICULTURAL FAIRS AND YOUTH SHOWS

Lease of  
county property to nonprofit corporations for 36.34.145  
state-owned lands for county fairgrounds 36.37.150  
Northern State Hospital, lands adjacent to 36.37.160

### AGRICULTURE AND MARKETING

Agricultural commodity commissions  
investment of funds in savings or time deposits of banks, trust companies, and mutual savings banks authorized 30.04.370  
Agricultural development  
commodity commission expenditure 15.04.200  
market development programs  
department duties and powers 43.23.035

## AGRICULTURE AND MARKETING

### AGRICULTURE AND MARKETING—Cont.

Agricultural enabling act of 1955  
affected commodity, defined under 15.66.010  
affected producer, defined under 15.66.010  
agricultural commodity, defined under 15.66.010  
commodity commission, defined under 15.66.010  
cooperative association, defined under 15.66.010  
definitions 15.66.010  
department, defined under 15.66.010  
director, defined under 15.66.010  
marketing orders and orders modifying or terminating  
marketing order, defined 15.66.010  
member of a cooperative association, defined under 15.66.010  
person, defined under 15.66.010  
unfair trade practice, defined under 15.66.010  
unit, defined under 15.66.010  
Agricultural enabling act of 1961  
affected area, defined under 15.65.020  
affected commodity, defined under 15.65.020  
affected handler, defined under 15.65.020  
affected producer, defined under 15.65.020  
affected unit, defined under 15.65.020  
agricultural commodity, defined under 15.65.020  
board, defined under 15.65.020  
commercial quantities, defined under 15.65.020  
commodity board, defined under 15.65.020  
commodity commission  
agricultural development  
expenditure authorized 15.04.200  
trade promotion and promotional hosting expenditures allowed 15.04.200  
cooperative association, defined under 15.65.020  
definitions under 15.65.020  
department, defined under 15.65.020  
director, or his designee, defined under 15.65.020  
handler, defined under 15.65.020  
marketing agreement  
order or amendment  
binding, when, upon whom  
ascertainment of required assent percentages 15.65.160  
issuance of agreement, order or amendment 15.65.170  
minimum assent prerequisite to affecting producers, producer marketing 15.65.140  
minimum assent prerequisite to assessing handlers 15.65.150  
marketing agreement, defined 15.65.020  
marketing order, defined 15.65.020  
marketing area, defined under 15.65.020  
member of a cooperative association, defined under 15.65.020  
person, defined under 15.65.020  
producer, defined under 15.65.020  
producer marketing, marketed by producers, defined under 15.65.020  
producer-handler, defined under 15.65.020  
production area, defined under 15.65.020  
production of rapeseed by variety and location, regulatory authority 15.65.055, 15.66.025  
regulatory authority on production of rapeseed by variety and location 15.65.055, 15.66.025  
represented in a referendum, defined under 15.65.020



## AGRICULTURE AND MARKETING

**AGRICULTURE AND MARKETING—Cont.**  
 Agricultural enabling act of 1961—Cont.  
 section, defined under 15.65.020  
 sell, defined under 15.65.020  
 to handle, defined under 15.65.020  
 to produce, defined under 15.65.020  
 unit, defined under 15.65.020  
 Agricultural fairs and youth shows  
 lease of  
 county property to nonprofit corporations  
 for 36.34.145  
 state-owned lands for 36.37.150  
 Northern State Hospital, lands adjacent to 36.37.160  
 Apple advertising commission  
 powers and duties 15.24.070  
 Aquaculture marketing  
 agriculture, department of  
 principal state agency 15.85.030  
 rule adoption to implement chapter  
 15.85.040  
 aquatic products defined as commodities 15.65.020, 15.66.010  
 disease inspection and control  
 policy to protect wildstock fisheries  
 15.85.010  
 Aquatic products  
 defined as commodities 15.66.010  
 Beef commission  
 assessment  
 additional for national beef promotion  
 and research program 16.67.122  
 amount, exemption 16.67.120  
 sale of milk production animals exempted,  
 exception 16.67.150  
 Business and occupation tax, agricultural  
 chemical sprays, exempted from definition  
 of sale at retail 82.04.050  
 Clarke-McNary fund 43.30.360  
 Commodity marketing  
 market development programs  
 department duties and powers 43.23.035  
 Cooperative farm forestry funds 43.30.370  
 Crop liens  
 attachment of liens, proceeds 60.11.030  
 claim of lien, filing, contents, duration  
 60.11.040  
 "commercially reasonable" disposition  
 60.11.120  
 definitions 60.11.010  
 foreclosure  
 judicial foreclosure 60.11.070  
 methods 60.11.060  
 rights and interests of purchaser for value  
 60.11.090  
 summary foreclosure 60.11.080  
 time limitation, costs 60.11.130  
 lien termination statement 60.11.140  
 noncompliance, rights of lien debtor  
 60.11.110  
 persons entitled to crop liens 60.11.020  
 Priorities of liens and security 60.11.050  
 property subject to liens 60.11.020  
 redemption 60.11.100  
 Dairies and dairy products  
 fluid dairy products, component parts of  
 violations of standards for, civil penalty  
 15.36.595  
 preparer lien 60.13.035  
 Department of agriculture  
 director  
 animal health, powers and duties relating  
 to 16.38.060  
 appointment of 43.17.020  
 commission merchants 20.01.130  
 energy facility site evaluation council  
 member 80.50.030  
 fees paid to, disposition 20.01.130  
 horticultural inspection trust fund, to be  
 established by 15.04.100

**AGRICULTURE AND MARKETING—Cont.**  
 Department of agriculture—Cont.  
 director—Cont.  
 livestock disease diagnostic service program,  
 powers and duties relating thereto 16.38.060  
 milk and milk products  
 animal food act, duties relating to Ch.  
 15.37  
 inspectors  
 inspectors—at-large  
 salaries and expenses  
 portion of salary from horticultural  
 inspection trust fund 15.04.100  
 market development programs  
 powers and duties 43.23.035  
 Farm equipment  
 tire restrictions 46.37.420  
 Farm forestry funds 43.30.370  
 Farm tractors  
 tire restrictions 46.37.420  
 Farm vehicles, trailers, gross weight fees on  
 46.16.090  
 Frozen commodities  
 commodity handlers, includes storage  
 15.65.020  
 Grades and packs  
 horticulture inspection districts 15.17.230  
 payment of administrative expenses of inspection  
 15.04.100  
 Grain  
 dealer license  
 fees, penalties 22.09.055  
 Grain preparer  
 lien 60.13.050–60.13.070  
 Handler  
 defined 15.65.020  
 Hay or straw transporting  
 vehicles may be stopped 20.01.610  
 Horses  
 Washington-bred horses  
 department duties 43.23.035  
 Horticulture  
 horticultural inspection trust fund 15.04.100  
 Horticulture inspection districts 15.17.230  
 Implements of husbandry  
 tire restrictions 46.37.420  
 Irrigation or stock watering  
 hydraulic permit process 75.20.103  
 Land bank  
 advisory committee 31.30.140  
 corporation laws applicable 31.30.120  
 definitions 31.30.010  
 established 31.30.010  
 funds are not public funds 31.30.130  
 indebtedness, not a state debt 31.30.130  
 loans  
 agricultural needs, leasing 31.30.110  
 based on long-term profitability  
 31.30.090  
 deferral of payment 31.30.080  
 limitations, security 31.30.070  
 long-term real estate mortgage loans in  
 rural areas 31.30.040  
 origination or service by other entities  
 31.30.100  
 powers 31.30.020  
 services, to whom available 31.30.060  
 stock 31.30.030  
 Liens  
 crop liens  
 attachment of liens, proceeds 60.11.030  
 claim of lien, filing, contents, duration  
 60.11.040, 60.11.050  
 "commercially reasonable" disposition  
 60.11.120  
 definitions 60.11.010  
 foreclosure  
 judicial foreclosure 60.11.070  
 methods 60.11.060

## AGRICULTURE AND MARKETING

**AGRICULTURE AND MARKETING—Cont.**  
 Liens—Cont.  
 crop liens—Cont.  
 foreclosure—Cont.  
 rights and interests of purchaser for  
 value 60.11.090  
 summary foreclosure 60.11.080  
 time limitations, costs 60.11.130  
 lien termination statement 60.11.140  
 noncompliance, rights of lien debtor  
 60.11.110  
 persons entitled to crop liens 60.11.020  
 property subject to liens 60.11.020  
 redemption 60.11.100  
 preparer lien  
 foreclosure, enforcement 60.13.070  
 priority of certain liens 62A.9–310  
 processor lien  
 foreclosure, enforcement 60.13.070  
 Livestock  
 diseases, diagnostic service program  
 power of director to  
 establish a schedule of fees for services  
 performed 16.38.060  
 Livestock security interests  
 filing of financing statement  
 fee 16.59.030  
 index of statements for publication  
 16.59.040  
 Loan bank  
 loans  
 rates and charges 31.30.050  
 Market development programs  
 department duties and powers 43.23.035  
 Nonprofit corporations, authorized 24.03.015  
 Organic food  
 director of agriculture, responsibilities  
 15.86.060  
 rule adoption by director of agriculture  
 15.86.060  
 sworn statement by producer prior to sale to  
 vendor 15.86.050  
 Pesticide application  
 applicator's license  
 examination of applicant 17.21.090  
 qualifications 17.21.090  
 revocation or suspension of 17.21.130  
 municipal corporations, application of chapter  
 to 17.21.220  
 operator's license  
 examination of applicant 17.21.120  
 revocation or suspension of 17.21.130  
 private-commercial applicator's license  
 renewal 17.21.128  
 public utilities, application of chapter to  
 17.21.220  
 state agencies, application of chapter to  
 17.21.220  
 Preparer lien  
 dairy products 60.13.035  
 Processor lien  
 foreclosure, enforcement 60.13.070  
 priority 60.13.050  
 Producer  
 defined 15.65.020  
 Producer-handler  
 defined 15.65.020  
 Secured transactions  
 livestock or meat products 62A.9–204  
 Security interests in livestock  
 filing of financing statement  
 fee 16.59.030  
 index of statements for publication  
 16.59.040  
 Sell  
 defined 15.65.020  
 Trade promotion and promotional hosting  
 commodity commission expenditure  
 15.04.200

**AGRICULTURE AND MARKETING—Cont.**  
 Uniform commercial code 62A.9–203, 62A.9–310  
 Washington Pesticide Control Act  
   classified licenses, examinations, fee, renewal, limitations 15.58.240  
   licenses, registrations or permits  
   public pest control consultant  
   defined 15.58.220  
   license, exemptions 15.58.220  
 Washington products, expansion of market, pamphlet 43.31.057  
 Washington–bred horses  
   department duties 43.23.035  
 Windbreaks, shelter belts, farm wood lots  
   Clarke–McNary funds available 43.30.360

**AIR POLLUTION CONTROL**  
 Limited outdoor burning  
   construction 70.94.760

**ALARMS**  
 Smoke detection devices, required 48.48.140

**ALCOHOL**  
 Boat operation while under the influence or affected by liquor 88.02.095

**ALCOHOLISM PROGRAMS**  
 Private establishments and institutions  
   fire protection 71.12.485

**ALLOCATIONS**  
 Cities and towns, motor vehicle fund, allocation of proceeds from to 46.68.100  
 Counties  
   motor vehicle fund  
   allocation of proceeds from to counties 46.68.100  
 Judges, superior court 2.08.065

**ALTERNATIVE RESIDENTIAL PLACEMENT (See JUVENILES, subtitle Alternative residential placement)**

**AMBULANCE SERVICES**  
 Cities and towns  
   operations of 35.27.370  
 Emergency medical care and transportation services  
   state preempts authority 18.73.020

**AMPUTATION**  
 Industrial insurance  
   compensation schedule 51.32.080  
   disability without amputation 51.32.080  
   monthly payments, when, interest 51.32.080  
   second injuries, permanent partial 51.32.080

**AMUSEMENT RIDES**  
 Inspections 67.42.020, 67.42.025  
 Insurance 67.42.020  
 Permits 67.42.020

**ANATOMICAL DONATIONS**  
 Identification of potential donors, hospital procedures 68.08.650, 68.08.660

**ANIMAL TECHNICIAN**  
 Employment of by veterinarians, requirements 18.92.125

**ANIMALS**  
 Cities and towns, control of 35.27.370  
 Livestock  
   diagnostic service program 16.38.060

**ANIMALS—Cont.**  
 Running at large  
   city of third class regulation against 35.24.290  
 Theft of livestock 9A.56.080

**ANNEXATION**  
 Fire protection districts  
   cities and towns  
   annexation by 35.02.200  
 Precinct boundary adjustment if city annexes county territory 29.04.040

**APPEALS**  
 Bonds  
   actions against state 4.92.030  
 Corporations  
   from secretary of state, nonprofit corporations 24.03.445  
 Cross–appeals, industrial insurance appeals authorized 51.52.060  
   order of department 51.52.060  
 Electrical licenses 19.28.310  
 Emergency management, injury or death to worker 38.52.250, 38.52.330  
 Motor vehicles—implied consent law, revocation or suspension of license for failure to take blood or breath tests, hearing pursuant thereto, appeal 46.20.308  
 State  
   actions against 4.92.030

**APPEARANCES**  
 Actions against state, attorney general 4.92.030

**APPLE ADVERTISING COMMISSION**  
 Powers and duties 15.24.070

**APPOINTMENTS**  
 State librarian, appointed by library commission 27.04.030

**APPRAISERS, BOARD OF**  
 Board of natural resources to constitute 43.30.150

**APPRAISERS AND APPRAISALS**  
 Corporations, shares of dissenting stockholders, procedure 23A.24.040  
 Natural resources board of  
   board of appraisers to constitute 43.30.150

**AQUACULTURE MARKETING**  
 Agriculture, department of  
   director duties 43.23.030  
   principal state agency 15.85.030  
   rule adoption to implement chapter 15.85.040  
 Aquatic products  
   defined as commodities 15.65.020  
 Disease inspection and control  
   policy to protect wildstock fisheries 15.85.010  
 Farm vehicles, gross weight fees 46.16.090

**AQUATIC LANDS**  
 Sale of  
   preference right  
   expiration 79.94.300

**AQUIFER (See WATER AND WATER RIGHTS, subtitle Aquifers)**

**AQUIFER PROTECTION AREAS (See WATER AND WATER RIGHTS, subtitle Aquifer protection areas)**

**ARBITRATION AND AWARD**  
 Arbitrators  
   appointment by court 7.04.050  
   Game, damages caused by 77.12.280  
   Game caused damages 77.12.280  
   Industrial insurance disputes  
   mediation 51.52.095  
   Mandatory arbitration program  
   judicial positions, certain contingent on program 2.08.067  
   Railroad crossing costs 81.53.130

**ARBITRATORS (See ARBITRATION AND AWARD, subtitle Arbitrators)**

**ARCHAEOLOGY AND HISTORIC PRESERVATION, OFFICE OF**  
 Historic properties  
   special valuation for improvements  
   assistance in valuation from state historic preservation officer 84.26.110

**ARCHITECTS**  
 Professional service corporations  
   authorized 18.100.050  
   nonprofit corporations authorized 18.100.050  
 Suits arising on design, planning, architectural services 4.16.300  
   limitation on 4.16.310

**ARREST**  
 Citizen's, force, use of, when lawful 9A.16.020  
 Force  
   use of, when lawful 9A.16.020  
 Homicide, by public officer, justifiable when 9A.16.040  
 Resistance to, assault, third degree 9A.36.030  
 Strip, body cavity searches  
   application of law 10.79.120  
   damages, actions for 10.79.110  
   injunctive relief 10.79.110  
   physical exams for public health purposes are not searches 10.79.160  
   search delayed, nonliability of government for damage 10.79.170  
   uncategorized searches 10.79.140  
   unnecessary persons prohibited at search 10.79.150  
   warrant requirement 10.79.130  
   written record required 10.79.150  
 Strip searches, body cavity searches  
   alternatives, less intrusive 10.79.140  
   reasonable suspicion, probable cause 10.79.130, 10.79.140  
 Truants 28A.27.040

**ARSON**  
 Arson reporting immunity act  
   "authorized agency"  
   defined 48.50.020  
   community development, department of, notification of by insurer 48.50.040  
   definitions 48.50.020  
   information  
   release of by  
   insurer 48.50.040  
   insurer  
   release by  
   information by 48.50.040  
   notification of community development, department of by insurer 48.50.040  
 Insurance  
   classification of areas 48.53.020

**ARSON—Cont.**

Limitation of action, none 9A.04.080  
 Prosecution of by community development, department of 48.48.080  
 Reporting requirements of insurers 48.50.040

**ARTICLES OF INCORPORATION**

Amendment, nonprofit corporations 24.03.165, 24.03.180

**ASIAN-AMERICAN AFFAIRS COMMISSION**

Sunset act  
 repeal 43.131.216  
 termination 43.131.215

**ASSAULT**

First degree 9A.36.011  
 Fourth degree 9A.36.041  
 Second degree 9A.36.021  
 Third degree 9A.36.031

**ASSETS**

Banks and trust companies  
 debts, bad, writing off 30.04.130  
 pledge of, prohibited, exceptions 30.04.140  
 real estate, when considered as 30.04.210

**ASSIGNMENTS**

Child support  
 wages 26.09.135, 26.21.125, 26.26.132  
 Wages  
 child support 26.09.135, 26.21.125, 26.26.132

**ATHLETIC ORGANIZATIONS**

Nonprofit corporations, authorized 24.03.015

**ATTACHMENT**

Legal holidays, hearing applications and issuance of writ 2.28.100

**ATTORNEY GENERAL**

Actions against state  
 duties, counsel for state 4.92.030  
 service of summons and complaint on 4.92.020  
 Bonds  
 vehicle dealers' surety bond approved by 46.70.070  
 Budget and accounting irregularities, report of state auditor to attorney general 43.88.160  
 Claims arising from emergency management related activities, duties concerning 38.52.207  
 Contractor registration infractions 18.27.300  
 Criminal prosecution and investigation, concurrent authority with prosecuting attorneys, costs 43.10.232  
 Elevators, escalators and dumbwaiters  
 injunction for operation without permit brought by 70.87.140  
 Governor  
 annual report to 43.10.100  
 Legislature  
 annual report to 43.10.100  
 counsel, legislature may retain own 43.10.045  
 Medical disciplinary board, advisor to 18.72.040  
 Opinions, published in state register 34.08.020  
 Private vocational schools, duties concerning 28C.10.140, 28C.10.190  
 Prosecuting attorneys  
 investigation and prosecution of crimes, concurrent authority, costs 43.10.232

**ATTORNEY GENERAL—Cont.**

Public meetings, notices of, contained in state register 34.08.020  
 Reports  
 annual report to governor and legislature 43.10.100  
 Salary, amount of 43.03.010  
 State officers  
 defends actions against 4.92.070  
 Vehicle dealer's licenses, attorney general to approve application for 46.70.070  
 Volunteers of the state  
 attorney general to provide defense 4.92.060, 4.92.070

**ATTORNEYS**

Fees  
 tort actions 4.24.005

**ATTORNEYS AT LAW**

Client  
 privileged communications 5.60.060  
 Communication with client  
 privileged 5.60.060  
 Compulsory school attendance law, school district attorney may act under 28A.27.110  
 Fees  
 warehouse commodities  
 possession by director 22.09.361  
 Privileged communications of clients 5.60.060

**AUCTIONS AND AUCTIONEERS**

Auction companies  
 nonresident license, reciprocity, application 18.11.100  
 Auction company  
 advertisement requirements 18.11.210  
 certificate of registration  
 requirements 18.11.095  
 certificates of registration  
 display of 18.11.150  
 clients, rights of clients 18.11.220  
 contract, written, with owner or consignor required 18.11.130  
 license  
 denial, suspension, or revocation of grounds 18.11.160  
 renewal  
 expiration penalty 18.11.060  
 renewal card  
 display of 18.11.150  
 required, exceptions 18.11.070  
 suspension or revocation  
 grounds for 18.11.180  
 nonlicensed person  
 actions for compensation for services 18.11.190  
 surety bond required 18.11.211  
 trust accounts for client funds 18.11.230  
 unauthorized practices 18.11.170  
 Auctioneer  
 certificate of registration  
 requirements 18.11.085  
 certificates of registration  
 display of 18.11.150  
 clients, rights of clients 18.11.220  
 contract, written, with owner or consignor required  
 penalty 18.11.130  
 records, permanent 18.11.140  
 license  
 cities and towns 35.21.690  
 denial, suspension, or revocation of grounds 18.11.160  
 nonresident, reciprocity, application 18.11.100  
 renewal  
 expiration penalty 18.11.060

**AUCTIONS AND AUCTIONEERS—Cont.**

Auctioneer—Cont.  
 license—Cont.  
 renewal card  
 display of 18.11.150  
 required, exceptions 18.11.070  
 suspension or revocation  
 grounds for 18.11.180  
 nonlicensed person  
 actions for compensation for services 18.11.190  
 compensation of by licensee unlawful 18.11.180  
 nonresident license, reciprocity, application 18.11.100  
 records, permanent 18.11.140  
 surety bond required 18.11.211  
 taxation by cities and towns 35.21.690  
 trust accounts for client funds 18.11.230  
 unauthorized practices 18.11.170  
 Auctioneer registration act 18.11.901  
 Auctioneer's licensing act 18.11.050  
 administration of 18.11.060  
 Bidding  
 prohibited practices 18.11.240  
 requirements 18.11.240  
 Clients, rights of clients 18.11.220  
 Consumer protection act 18.11.260  
 Definitions 18.11.050  
 Fees 18.11.060  
 Licenses  
 auctioneer  
 required, exceptions 18.11.070  
 Newspaper advertisements  
 auctioneer's name and license number required 18.11.210  
 Real estate auctions 18.11.250  
 Reciprocity for nonresident auctioneers and auction companies 18.11.100  
 Trust accounts for client funds 18.11.230

**AUDITS**

Counties  
 legislative authorities, powers in regard to 36.32.120  
 Energy, state facilities  
 implementation plan 43.19.680

**AWARD FOR EXCELLENCE IN EDUCATION PROGRAM (See EXCELLENCE IN EDUCATION)****AWARDS**

Medal of merit, See MEDAL OF MERIT

**BAD DEBTS**

Banks and trust companies, writing off bad debts 30.04.130

**BAIL AND RECOGNIZANCE**

Criminal procedure  
 forfeiture  
 judgment against principal and sureties, execution 10.19.090  
 Forfeiture  
 judgment against principal and sureties, execution 10.19.090  
 sureties  
 liability 10.19.150  
 return of bond 10.19.140  
 surrender of person under bond 10.19.160  
**BAIL BONDS**  
 Forfeiture  
 judgment against principal and sureties, execution 10.19.090  
 Sureties  
 liability 10.19.150

## BAIL BONDS

### BAIL BONDS—Cont.

#### Sureties—Cont.

- return of bond 10.19.140
- surrender of person under bond 10.19.160

## BALLOTS

### Cities and towns

- city incorporation
- candidates 35.02.086
- wording 35.02.110

### Elections

- voting devices
- requirements 29.30.310
- sample ballots 29.30.350
- voting machines
- sample diagrams 29.30.450

### General elections

- paper ballots
- arrangement of instructions, measures, offices, candidate order 29.30.081
- requirements 29.30.061
- voting devices
- ballot cards, numbering 29.34.125
- ballot pages
- contents, arrangement of 29.34.125
- requirements 29.30.370

### Order of candidates 29.18.022

### Polling places

- deposit after voting, procedure 29.51.110

### Port district formation 53.04.020

### Primary elections

- form and requisites 29.30.010
- sample paper ballots 29.30.060

### Voting devices

- ballot cards, numbering 29.34.125
- ballot pages, contents, arrangement of 29.34.125
- requirements 29.30.310
- sample ballots 29.30.350

### Voting machines

- sample diagrams 29.30.450

## BANKRUPTCY

### Industrial insurance

- lien for premium, penalty, priority 51.16.170
- premium, penalty, lien, priority 51.16.170

## BANKS AND BANKING

### Accounts

- regulations 30.20.060

### Acquisition or control

- application for 30.04.405
- notice of 30.04.405
- penalty for violations 30.04.405

### Additional powers

- approval by federal reserve system or congress 30.04.215
- hearing, appeal 30.04.215

### Administration and interpretation of title

- supervisor's power 30.04.030

### Advertising

- use of "bank" or "trust" restricted to banks or trust companies, penalty 30.04.020

### Articles of incorporation

- amendments
- bank to be trust company, permission of supervisor of banking required 30.08.090
- increase or decrease of capital stock 30.08.090
- vote required for 30.08.090
- filing and recording of 30.08.050

### Assets

- debts, bad, writing off 30.04.130
- pledge of 30.04.140
- real estate, when considered as 30.04.210

### Assets and judgments uncollected two years 30.04.130

### BANKS AND BANKING—Cont.

#### Bank holding company

- powers exercisable
- approval procedure 30.04.215
- reorganization as a subsidiary of actions of directors, committees, consent 30.04.605
- authority 30.04.550
- dissenting shareholders
- rights, conditions 30.04.560
- meetings of directors, committees 30.04.610
- procedure 30.04.555
- public hearing 30.04.575
- shareholders' actions, consent 30.04.600

#### Banking

- use of word restricted to banks, penalty 30.04.020

#### Banks

- use of word restricted to banks, penalty 30.04.020

#### Bonds

- fidelity, for officers and employees 30.12.030

#### Branch bank

- establishment of
- approval of supervisor required 30.40.020
- supervisor of banking, approval of required 30.40.020

#### Branch bank in foreign country, establishment of

- approval of supervisor required 30.40.020
- necessity, requisites 30.40.020

#### Capital stock

- amounts required to incorporate 30.08.010
- authorized but unissued shares
- consideration 30.08.087
- issuance, procedure for, notice, approval 30.08.088

- impairment of by preferred stock, determination 30.08.086

#### increase or decrease

- notice of 30.08.090
- procedure 30.08.090
- vote required 30.08.090

- purchase of own authorized 30.04.238

- record of stock to be kept 30.12.020

#### Casualty insurance 30.12.030

#### Certificate of authority

- contents 30.08.060
- filing and recording of 30.08.060
- time limit for issuance 30.08.060
- transaction of business restricted until received 30.08.050

#### Certificate of forfeiture

- failure to commence business within six months as grounds for 30.08.070
- filing and recording of 30.08.070

#### Conflict of interest

- corporate directors or officers 30.12.115

#### Contributions and gifts 30.04.225

#### Corporations

- articles of incorporation
- amendments
- bank to be trust company, permission of supervisor of banking required 30.08.090
- increase or decrease of capital stock 30.08.090
- vote required for 30.08.090
- filing and recording of 30.08.050
- bonds, fidelity, for officers and employees 30.12.030

#### capital stock

- amounts required to incorporate 30.08.010
- increase or decrease
- notice of 30.08.090
- procedure 30.08.090
- vote required 30.08.090
- record of stock to be kept 30.12.020

## BANKS AND BANKING

### BANKS AND BANKING—Cont.

#### Corporations—Cont.

- capital stock—Cont.
- transfer
- record to be kept 30.12.020
- casualty insurance 30.12.030
- certificate of authority
- transaction of business restricted until received 30.08.050
- conflict of interest 30.12.115
- crimes relating to loans
- commission or gratuity for procuring 30.12.110

#### directors

- election 30.12.010
- meetings 30.12.010, 30.12.020
- number required 30.12.010
- oath 30.12.010
- qualifications 30.12.010
- quorum 30.12.010
- terms of office 30.12.010
- vacancies, how filled 30.12.010
- failure to commence business within six months
- extension of time 30.08.070
- filing and recording certificate of forfeiture 30.08.070
- forfeits articles 30.08.070

#### fidelity bonds 30.12.030

#### filings

- articles of incorporation 30.08.050
- certificate of authority 30.08.060
- certificate of forfeiture 30.08.070
- increase or reduction of capital stock, amendment to articles 30.08.090

#### formation

- capital requirements 30.08.010
- incorporators, number required 30.08.010
- surplus and undivided profits required 30.08.010

#### incorporators, number of required 30.08.010

- insurance against burglary, theft, robbery required 30.12.030

#### loans

- commission or benefits for obtaining prohibited, penalty 30.12.110
- merger, consolidation or conversion
- definitions 30.49.010
- state banks
- organized from national or state banks
- merger agreement contents 30.49.040

#### notices

- increase or reduction of capital stock, meeting for 30.08.090

#### officers and employees

- loans
- commission or benefit for obtaining prohibited, penalty 30.12.110
- purchase of assets prohibited, penalty 30.12.050
- surety and fidelity bonds for 30.12.030

#### preferred stock

- capital, impairment, determination 30.08.086
- issuance authority 30.08.082
- rights, dividends, liquidation 30.08.084
- proposed articles of incorporation
- contents of statements 30.08.020
- submission to supervisor of banking 30.08.020

#### proxy voting 30.12.010

#### stock

- one vote per share 30.12.010
- transfer
- record to be kept 30.12.020
- stockholders
- records to be kept 30.12.020
- right to vote 30.12.010

**BANKS AND BANKING**

**BANKS AND BANKING—Cont.**  
**Corporations—Cont.**  
 stockholders—Cont.  
 vote by proxy 30.12.010  
 surety bonds for officers and employees 30.12.030  
 surplus and undivided profits required upon formation 30.08.010  
 use of "bank" in name of, restrictions 30.04.020  
 voting  
 proxy, right to vote by 30.12.010  
 stockholders right 30.12.010  
**Crimes relating to**  
 acquisition or control, application, notice requirements, violations of 30.04.405  
 advertising, use of "bank" or "trust" restricted to banks and trust companies, penalty 30.04.020  
 "bank" or "banking", use of word restricted to banks and trust companies, penalty 30.04.020  
 confidentiality of examination reports and information 30.04.075  
**loans**  
 commission or gratuity for procuring prohibited 30.12.110  
 use of word "bank" restricted to banks and trust companies 30.04.020  
**Debts**  
 valuation of assets 30.04.130  
 writing off bad debts 30.04.130  
**Deposits**  
 savings deposits  
 rules and regulations  
 effect 30.20.060  
 posting of 30.20.060  
 scope 30.20.060  
**Directors**  
 election 30.12.010  
 meetings 30.12.010, 30.12.020  
 number required 30.12.010  
 oath 30.12.010  
 qualifications 30.12.010  
 quorum 30.12.010  
 terms 30.12.010  
 vacancies, how filled 30.12.010  
**Dividends**  
 net profits, payment restricted to 30.04.180  
 restriction upon declaring 30.04.180  
 suspension of payment of by supervisor of banking, when 30.04.180  
 when may be declared 30.04.180  
**Examinations of**  
 reports and information 30.04.075  
 confidentiality, disclosure 30.04.075  
 not subject to public disclosure law 30.04.075  
 penalty for violating confidentiality 30.04.075  
 rules and regulations for 30.04.030  
**Failure to commence business within six months**  
 extension of time 30.08.070  
 filing and recording certificate of forfeiture 30.08.070  
 forfeits articles 30.08.070  
**Filings**  
 articles of incorporation 30.08.050  
 certificate of authority 30.08.060  
 certificate of forfeiture 30.08.070  
 increase or reduction of capital stock, amendment to articles 30.08.090  
**Foreign countries, branch banks, establishment of, approval of supervisor required 30.40.020**  
**Foreign or international banking institutions**  
 banks may invest in capital stock and surplus of 30.04.380

**BANKS AND BANKING—Cont.**  
**Foreign or international banking institutions**  
 —Cont.  
 banks may invest in stock or ownership of 30.04.390  
**Forfeiture**  
 failure to commence business within six months 30.08.070  
**Formation**  
 capital requirements 30.08.010  
 incorporators, number required 30.08.010  
 surplus and undivided profits required 30.08.010  
**Immunity of shareholders of bank insured by FDIC 30.12.230**  
**Incentive bonus contracts 30.12.205**  
**Incorporators, number of 30.08.010**  
**Insurance**  
 against burglary, theft, robbery required 30.12.030  
**International or foreign banking institutions**  
 banks may invest in capital stock and surplus of 30.04.380  
 banks may invest in stock or ownership of 30.04.390  
**Investments**  
 capital stock and surplus of banks or corporations engaged in international or foreign banking, authorized 30.04.380  
 continuing authority for investments 30.04.395  
 corporations 30.04.125  
 limitations in other business activities 30.04.215  
**Judgments held by banks, when cease to be asset 30.04.130**  
**Land bank**  
 advisory committee 31.30.140  
 corporation laws applicable 31.30.120  
 definitions 31.30.010  
 established 31.30.010  
 funds are not public funds 31.30.130  
 indebtedness, not a state debt 31.30.130  
**loans**  
 agricultural needs, leasing 31.30.110  
 based on long-term profitability 31.30.090  
 deferral of payment 31.30.080  
 limitations, security 31.30.070  
 long-term real estate mortgage loans in rural areas 31.30.040  
 origination or service by other entities 31.30.100  
 rates and charges 31.30.050  
 powers 31.30.020  
 services, to whom available 31.30.060  
 stock 31.30.030  
**Loans**  
 commission or benefit for obtaining prohibited, penalty 30.12.110  
 limitations 30.04.111  
 own stock as security prohibited 30.04.120  
 stock of other corporations as security 30.04.120  
**Merger, consolidation or conversion**  
 definitions 30.49.010  
 state banks  
 organized from national or state banks  
 merger agreement contents 30.49.040  
**Name**  
 mortgage bankers, name use permitted 30.04.020  
 use of "bank" or "trust" in name restricted to banks or trust companies, penalty 30.04.020  
**Net profits**  
 for purposes of declaring dividends 30.04.180  
 preferred stock retirement funds, transfer to surplus 30.04.180

**BANKS AND BANKING—Cont.**  
**Net profits—Cont.**  
 surplus fund, carrying amount in before paying dividend 30.04.180  
**Nonprofit corporation act, excluded from 24.03.015**  
**Notices**  
 increase or reduction of capital stock, meeting for 30.08.090  
**Officers and employees**  
 loans  
 commission or benefit for obtaining prohibited, penalty 30.12.110  
 purchase of assets prohibited, penalty 30.12.050  
 surety and fidelity bonds for 30.12.030  
**Pledging of assets or securities**  
 prohibited, exceptions 30.04.140  
**Powers and duties, additional powers 30.04.215**  
**Preferred stock**  
 impairment of capital, determination 30.08.086  
 issuance authority 30.08.082  
 rights, dividends, liquidation 30.08.084  
**Preferred stock retirement funds, transfer to surplus 30.04.180**  
**Profit sharing plans 30.12.205**  
**Proposed articles of incorporation**  
 contents and statements 30.08.020  
 submission to supervisor of banking 30.08.020  
**Proxy voting 30.12.010**  
**Real estate**  
 asset, when considered as 30.04.210  
 investments in 30.04.210  
 purchase, holding and conveyance powers  
 additional sales contract investment 30.04.210  
 building for business 30.04.210  
 debts, taken in satisfaction of 30.04.210  
 judgments, sold to bank or trust company to satisfy 30.04.210  
 liens, sold to bank or trust company to satisfy 30.04.210  
 mortgage foreclosure sale 30.04.210  
 purposes 30.04.210  
**Records**  
 shareholders rights 30.12.025  
**Reorganization as subsidiary of bank holding company**  
 actions of directors, committees, consent 30.04.605  
 authority 30.04.550  
 dissenting shareholders  
 rights, conditions 30.04.560  
 meetings of directors, committees 30.04.610  
 procedure 30.04.555  
 public hearing 30.04.575  
 shareholders' actions, consent 30.04.600  
**Rules and regulations**  
 copies mailed to each bank and trust company 30.04.030  
 examination and reports covered by 30.04.030  
 supervisor of banking to adopt 30.04.030  
**Satellite facilities**  
 credit unions, authorized 30.43.010  
 definitions 30.43.010  
**Shareholders**  
 rights regarding records 30.12.025  
**Stock**  
 deemed personal property 30.04.120  
 loans on own stock as security prohibited 30.04.120  
 one vote per share 30.12.010  
 preferred  
 impairment of capital, determination 30.08.086  
 issuance authority 30.08.082

**BANKS AND BANKING—Cont.**

Stock—Cont.  
 preferred—Cont.  
   rights, dividends, liquidation 30.08.084  
 series  
   authority to establish 30.08.083  
 special classes  
   issuance authority 30.08.082  
   rights of holders 30.08.084  
 transfer  
   record to be kept 30.12.020  
 Stock purchase options 30.12.205  
 Stockholders  
   record of to be kept 30.12.020  
   right to vote 30.12.010  
   vote by proxy 30.12.010  
 Study by supervisor of banking on financial institution structure 30.04.900  
 Supervisor of banking  
   additional authority of banks, approval by supervisor 30.04.215  
   authorized but unissued shares, issuance, approval 30.08.088  
   branch banks  
     establishment of, approval of supervisor 30.40.020  
   dividend payment, suspension of by supervisor of banking authorized, when 30.04.180  
   examinations  
     reports and information, confidentiality, duties 30.04.075  
   rules and regulations, duty to adopt 30.04.030  
   study on financial institution structure 30.04.900  
 Surety bonds for officers and employees 30.12.030  
 Surplus and undivided profits required upon formation 30.08.010  
 Surplus in fund, net profits, carrying amount in surplus fund before paying dividend 30.04.180  
 Trust company  
   amendment of articles for bank to be trust company, permission of supervisor of banking required 30.08.090  
 Voting  
   proxy right to vote by 30.12.010  
   stockholders right 30.12.010

**BARRICADED PERSONS**

Telecommunications may be intercepted 9.73.030

**BENEFIT**

Defined, for Washington Criminal Code 9A.04.110

**BENEVOLENT ORGANIZATIONS**

Nonprofit corporations, authorized 24.03.015

**BIGAMY**

Limitation of actions 9A.04.080

**BILLS OF LEGISLATURE**

Fiscal impact, fiscal notes 43.88A.030  
 Fiscal notes, impact on counties, cities Ch. 43.132

**BLIND**

Absentee voting  
   ongoing status for disabled, blind, or elderly status criteria 29.36.013, 29.36.016  
 Elections  
   ongoing absentee voter status 29.36.013

**BLOOD TESTS**

Intoxication  
   implied consent  
     refusal 46.20.308  
   implied consent law  
     effect 46.61.506  
   procedure 46.61.506  
   refusal  
     loss of license 46.61.506  
   refusal is admissible evidence 46.61.517, 46.61.517

**BOARDING HOMES**

Fire protection 18.20.130  
 Inspections 18.20.130

**BOARDS**

Compensation  
   review by office of financial management 43.03.260

**BOATS AND VESSELS**

Alcohol or drug use prohibited 88.02.095  
 Assessment by department of revenue  
   certification to county assessors 84.40.065  
 Duplicate certificates 88.02.075  
 Listing of taxable boats with department of revenue  
   assessment 84.40.065  
 Moorage facilities  
   abandoned vessels, public sale 53.08.320  
   definitions 53.08.310  
   regulations 53.08.320  
 Negligent operation prohibited 88.02.095  
 Recreational passenger watercraft  
   alcohol prohibited 91.14.060  
   civil penalty 91.14.110  
   death or disappearance from, notice requirements 91.14.080  
   definitions 91.14.010  
   enforcement 91.14.100  
   federal law, supplement to 91.14.100  
   operation of 91.14.020  
   operators, first aid card required, exception 91.14.040  
   registration, liability insurance 91.14.090  
   regulated, purpose 91.14.005  
   rights of way 91.14.030  
   safety equipment 91.14.050  
   solo trips prohibited 91.14.060  
   whitewater river sections designated 91.14.070  
 Replacement decals 88.02.075  
 Uniform commercial code, secured transactions 62A.9-302

**BODILY INJURY**

Defined, for Washington Criminal Code 9A.04.110

**BODY CAVITY SEARCHES (See SEARCHES, subtitle Strip, body cavity searches)****BOILERS AND PRESSURE VESSELS**

Exemptions from law 70.79.080  
 Inspections  
   certificate  
     operating without certificate, penalty 70.79.320

**BOND ISSUES**

Alternative method of issuance 39.46.150, 39.46.160  
 Capital projects  
   general obligation bonds authorized 43.99G.020

**BOND ISSUES—Cont.**

Cities and towns  
   general obligation bonds  
     public utility acquisitions 35.92.080  
   local improvement districts  
     as repayment for installment notes 35.45.155  
   public utility acquisitions  
     general obligation bonds 35.92.080  
 Diking and drainage improvement districts  
   excess and extraordinary expenditures 85.16.180  
   maintenance assessments 85.16.030  
   temporary 85.08.320  
 Fire service training center  
   bond anticipation notes, 1979 act  
     payment of principal and interest, procedure 28C.51.050  
   construction bonds, 1979 act  
     authorized 28C.51.010  
     payment of principal and interest, procedure 28C.51.050  
   construction bonds  
     authorized 28C.50.010  
     retirement fund, created 28C.50.050  
 I-90 completion—1979 act  
   administration and amount of bond sales 47.10.791  
   proceeds, deposit, use 47.10.792  
 Indebtedness, computation of for bonding purposes 39.36.030  
 Industrial development revenue bonds  
   definitions 39.84.020  
 Interstate highways, category A, category C improvements—1981 act  
   bond proceeds, deposit, use 47.10.803  
   sales procedure, amounts, limitations 47.10.802  
 Jail improvement and construction  
   administered by state jail commission 70.48.280  
   authorized, amount, purposes 70.48.260  
 Jail improvement and construction—1981 authorization, amount, uses 70.48A.020  
   proceeds  
     administration by jail commission 70.48A.040  
 Local government  
   alternative method of issuance 39.46.150, 39.46.160  
 State ferries—1977 act  
   amount 47.60.560  
   interfund transfers, reimbursements, charges 47.60.620  
   passenger only vessels 47.60.560  
   proceeds  
     disposition 47.60.570  
     use limitation 47.60.570  
   purposes 47.60.560  
 Transportation, department of  
   construction, commission powers and duties relating to Ch. 47.10  
 Urban arterial, county and city arterials  
   bond proceeds, deposit, use 47.26.423  
   sales, legal investment for public funds 47.26.422  
   terms, conditions 47.26.421  
 Validation  
   refunding bonds of counties and cities and towns 39.52.015  
 Volunteer firemen's relief and pension fund,  
   investment in bonds 41.24.030

**BONDS**

Appeal bonds  
   actions against state 4.92.030  
 Bail  
   forfeiture  
     judgment against principal and sureties, execution 10.19.090

**BONDS—Cont.**

- Bail—Cont.
  - sureties
    - liability 10.19.150
    - return of bond 10.19.140
    - surrender of person under bond 10.19.160
- Bank officers and employees 30.12.030
- Capital projects
  - general obligation bonds authorized 43.99G.020
- Charitable solicitations 19.09.190
- Cities and towns
  - second class officers 35.23.190
  - third class, officers 35.24.080
  - town officers 35.27.120
- Contractors
  - farm labor 19.30.040
    - claim for wages, action upon 19.30.045
- County roads and bridges
  - contractor's bond required 36.77.040
- Electrical contractor licensees 19.28.120
  - cash deposit in lieu, permitted 19.28.120
- Electricity, licenses for
  - contractors, conditions, actions on, limitation 19.28.120
  - installers, conditions, actions on, limitation 19.28.180
- Farm labor contractors surety bond or other security 19.30.040
  - claim for wages, action upon 19.30.045
- Fidelity
  - bank officers and employees 30.12.030
  - trust company officers and employees 30.12.030
- Fund raisers, professional 19.09.190
- Health care services, surety bonds 48.44.030
- Liquor control board 66.08.014
- Official
  - liquor control board 66.08.014
  - second class cities, officers 35.23.190
  - third class cities, officers 35.24.080
  - town officers 35.27.120
- Private activity bond allocation
  - alternative allocation system 39.86.031
- Surety
  - bank or trust company officers and employees 30.12.030
  - charitable solicitations, independent fund raisers 19.09.190
  - commission merchants 20.01.210, 20.01.230
  - fraud 20.01.220
  - farm labor contractors 19.30.040
    - claim for wages, action upon 19.30.045
  - fund raisers, professional 19.09.190
  - professional fund raisers 19.09.190
  - vehicle dealer's licenses, applicant to file bond 46.70.070
- Vehicle dealers 46.70.070

**BOUNDARIES**

- Cities and towns
  - annexation or incorporation proceedings
    - use of centerlines of streets, roads, highways 35.02.170
    - use of right of way lines of streets, roads, highways 35.02.170
  - incorporation of cities and towns, setting off boundaries 35.02.070
- County legislative authority
  - petition for incorporation, setting off 35.02.070

**BOUNDARY REVIEW BOARDS**

- Incorporation proceedings
  - exempt from State Environmental Policy Act 36.93.170
- Review of proposed action
  - factors to be considered by board 36.93.170

**BREATH TESTS**

- Implied consent
  - failure to take 46.20.308
- Intoxication
  - implied consent law
    - effect 46.61.506
    - procedure 46.61.506
  - refusal
    - loss of license 46.61.506
- Refusal
  - admissible evidence 46.61.517, 46.61.517

**BRIDGES**

- Cities and towns
  - construction and repair 35.22.280
- State toll bridges
  - establishment and construction of toll bridge authority to provide for 47.56.040
  - transportation department to provide for 47.56.060
- Hood canal bridge
  - maintenance and revision of tolls 47.60.440
  - minimum debt service requirements 47.60.440

**BUILDINGS**

- Agreement to indemnify for negligence in construction, maintenance of, against public policy 4.24.115
- Building wardens, immunity from liability 4.24.400
- Cities and towns
  - first class cities, control over location and construction 35.22.280
  - third class cities, maintenance for municipal purposes 35.24.290
  - towns 35.27.370
- Counties
  - powers in regard to 36.32.120
- Industrial insurance
  - liens for delinquent payments, penalties 51.16.170
- State
  - energy audits
    - implementation plan 43.19.680

**BULLS**

- Open range
  - proportion of bulls to cows 16.20.030
- Running at large
  - proportion of bulls to cows 16.20.030
  - registered bulls of recognized breed required, exception 16.20.020

**BURGLARY**

- Insurance of banks and trust companies
  - against 30.12.030

**BUSES**

- Auto stage
  - maximum gross weight fees 46.16.070
    - how computed 46.16.111
- Passenger, flares and warning devices carried 46.37.440
- Passengers
  - ejecting of, use of force, when lawful 9A.16.020
- School buses
  - insurance
    - transporting of
      - children to school or school activities 28A.24.055
      - elderly 28A.24.055
    - vehicle license and plates, inspection requisite 46.16.020

**BUSES—Cont.**

- Stages
  - for hire vehicles
    - maximum gross weight fees 46.16.070
    - how computed 46.16.111
  - sale or transfer of, credit for unused fee 46.16.280

**BUSINESS LICENSE CENTER**

- Multiagency review
  - jurisdiction consolidation
    - report to governor 19.02.120

**BUSINESSES**

- Telephone
  - cities and towns, taxes
    - network telephone service 35.21.714
    - toll telephone service, taxable amount 35.21.714

**BYLAWS**

- Corporations
  - emergency corporations 24.03.070
  - nonprofit corporations 24.03.070

**CAMPING CLUBS**

- Advertisement
  - filed, when 19.105.360
- Camping club
  - contract
    - defined 19.105.300
  - operator
    - defined 19.105.300

**CANALS, DITCHES, AND DRAINS**

- Diversion or storage of water, hydraulic permits, review of 75.20.050

**CANCELLATIONS**

- Automobile insurance
  - exceptions permitted 48.18.296
- Insurance policies
  - automobile insurance, exceptions permitted 48.18.296
  - insurer, effectuation of 48.18.290
  - procedure for 48.18.290

**CANVASSING BOARD**

- Cities and towns
  - city incorporation elections
    - certification of results 35.02.120

**CAPITAL STOCK**

- Trust companies, investment in international or foreign banking institutions, authorized 30.04.380

**CASUALTY INSURANCE**

- Banks, duty to carry 30.12.030

**CATTLE**

- Theft of 9A.56.080

**CEMETERIES**

- Cemetery board
  - cremation
    - rule adoption 18.39.175
- Cities and towns
  - first class cities, regulation of 35.22.280
  - second class cities, establishment and regulation 35.23.440
- Districts
  - commissioners
    - oaths 68.16.180

**CENTENNIAL COMMISSION**

Centennial license plates  
distribution of revenues 27.60.080  
expiration of section 27.60.080  
Logos, emblems, symbols, slogans, or marks  
unauthorized use 27.60.090

**CENTENNIAL LICENSE PLATES**

Design 46.16.650  
Fleet issuance 46.16.660  
Issuance 46.16.650  
Revenues 46.16.650

**CENTER FOR INTERNATIONAL TRADE  
IN FOREST PRODUCTS (See FORESTS  
AND FOREST PRODUCTS, subtitle  
Center for international trade in forest  
products)****CENTRAL WASHINGTON UNIVERSITY**

Off-campus facilities, lease or purchase  
higher education coordinating board to ap-  
prove 28B.10.020

**CERTIFICATES**

Industrial insurance  
payrolls, action to recover payments  
51.16.170

**CERTIFICATES OF AUTHORITY**

Foreign corporations 23A.32.050

**CERTIFICATES OF INCORPORATION**

Nonprofit corporations, effect of filing  
24.03.150

**CERTIFICATION**

Warrants by agency head 43.88.160

**CHARITABLE ORGANIZATIONS**

Nonprofit corporations, authorized 24.03.015

**CHARITABLE SOLICITATIONS**

Advertising  
false, misleading, or deceptive 19.09.100  
Benefit affair  
defined 19.09.020  
Bonds, surety, required, when and of whom  
19.09.190  
Books, records and contracts to be available,  
requirements for 19.09.200  
Charitable organization  
defined 19.09.020  
Compensation  
defined 19.09.020  
Conditions and requirements 19.09.100  
Contracts, books and records  
requirements for, availability 19.09.200  
Contribution  
defined 19.09.020  
Cost of solicitation  
defined 19.09.020  
Cost of solicitation versus amount to charity  
19.09.100  
Definitions 19.09.020  
Direct gift  
defined 19.09.020  
Disclosure to each person or organization so-  
licited 19.09.100  
Endorsements  
conditions 19.09.230  
Entity  
defined 19.09.020  
Financial statement  
contents 19.09.210  
filing required 19.09.210

**CHARITABLE SOLICITATIONS—Cont.**

Fund raiser, independent  
use of name without consent 19.09.230  
Independent fund raiser  
bond, surety 19.09.190  
change of information, notice of to be filed  
19.09.085  
defined 19.09.020  
prohibited acts 19.09.240  
registration  
application 19.09.079  
duration 19.09.085  
failure to file, late filing fee 19.09.271  
fee 19.09.079, 19.09.097  
form, contents 19.09.097  
reregistration, when 19.09.085  
surety bond 19.09.190  
use of another's name 19.09.230  
Names, use of another person's  
prohibited without consent  
conditions 19.09.230  
use of, related, similar 19.09.240  
Nonprofit fund raiser  
defined 19.09.020  
registration  
application 19.09.078  
failure to file, late filing fee 19.09.271  
fee 19.09.078  
Organizations  
change of information, notice of to be filed  
19.09.085  
conditions, who may conduct 19.09.100  
financial statement, filing required  
19.09.210  
registration  
application 19.09.075  
duration 19.09.085  
exemptions 19.09.076  
failure to file, late filing fee 19.09.271  
fee 19.09.075, 19.09.097  
form, contents 19.09.097  
not an endorsement 19.09.065  
required 19.09.065  
reregistration, when 19.09.085  
subsidiaries, registration, required when  
19.09.095  
subsidiaries  
registration, required when 19.09.095  
Parent organization  
defined 19.09.020  
Person  
defined, for purpose of chapter 19.09.020  
Political activities  
defined 19.09.020  
Professional fund raiser  
defined 19.09.020  
prohibited acts 19.09.230  
Professional solicitor  
defined 19.09.020  
Prohibited acts  
use of similar or related names, symbols, or  
statements 19.09.240  
using another person's name without con-  
sent 19.09.230  
violations of chapter  
penalties 19.09.275  
Purpose of chapter 19.09.010  
Records, books and contracts to be available,  
requirements for 19.09.200  
Religious activities  
defined 19.09.020  
Research, advocacy, public education  
administrative cost of solicitation  
exception 19.09.100  
Sale and benefit affair  
defined 19.09.020  
Secretary  
defined 19.09.020

**CHARITABLE SOLICITATIONS—Cont.**

Solicitation  
cost of  
defined 19.09.020  
defined 19.09.020  
Surety bonds, required, when and of whom  
19.09.190  
Symbols  
related, use of 19.09.240  
similar, use of 19.09.240  
use of similar or related 19.09.240  
Violations  
penalties 19.09.275

**CHECKS AND DRAFTS**

Dishonored checks  
payee's rights 62A.3-515  
satisfaction of claim 62A.3-515  
statutory form for notice of dishonor 62A-  
.3-520  
State  
authentication and certification by agency  
head 43.88.160  
forms for prescribed by director of financial  
management 43.88.160  
responsibility for recovery of erroneous pay-  
ments by 43.88.160

**CHILDREN**

Adoption  
insurance coverage 48.01.180  
health care 48.20.500, 48.21.280,  
48.44.420, 48.46.490  
Child abuse  
case planning and consultation 26.44.030  
report of  
by whom made 26.44.030  
central registry of reported cases, to be  
kept by department of social and  
health services 26.44.070  
death, injury, sexual abuse  
report to prosecuting attorney  
26.44.030  
records of child abuse, confidential and  
privileged, availability 26.44.070  
violations of confidentiality, penalty  
26.44.070  
Child abuse information in common school  
curriculum 28A.04.120, 28A.05.010  
Communication with a minor for immoral  
purposes 9.68A.090  
Controlled substances, sale to minor, parent  
has cause of action 69.50.414  
Corporal punishment  
use of force 9A.16.100  
Crimes relating to  
statutory rape  
first degree 9A.44.070  
Criminal mistreatment  
defense, financial inability 9A.42.050  
defined 9A.42.010  
first degree 9A.42.020  
second degree 9A.42.030  
withdrawal of life support systems not appli-  
cable to chapter 9A.42.040  
Custody  
mediation, confidentiality 26.09.015  
Discipline  
use of force 9A.16.100  
Insurance, schools may provide hospital and  
medical for children injured getting off or  
on certain vehicles 28A.24.055  
Investigation of state employees responsible  
for children  
authority 43.20A.710  
rules 41.06.475  
Mental health services  
county authority powers and duties  
71.24.045



## CHILDREN

### CHILDREN—Cont.

#### Mental health services—Cont.

- county to identify children, funds, costs 71.24.049
- definitions 71.24.025
- grants to counties, early intervention, primary prevention 71.24.155
- identification of children, funds, and costs 71.24.039
- legislative intent 71.24.015
- social and health services, department of, duties 71.24.035

#### Punishment

- use of force 9A.16.100

#### Support

- decree contents 26.09.135, 26.09.135, 26.21.125, 26.26.132
- mandatory wage assignment 26.09.135, 26.21.125, 26.26.132

#### Support obligations enforcement

- mandatory wage assignment 26.21.125, 26.26.132

## CHIROPRACTIC

### Board of chiropractic examiners

- expenses and compensation 18.25.017
- meetings 18.25.017
- organization 18.25.017

- rules and regulations 18.25.017

### Chiropractic disciplinary board

- rule-making authority 18.26.110
- uniform disciplinary act 18.26.028
- unprofessional conduct 18.26.030

### Continuing education 18.25.070

### Credentials 18.25.090

### Health care coverage to include

- exceptions 48.44.310

### Prayer 18.25.090

### Professional negligence

- limitation on suits arising from 4.16.350

### Uniform disciplinary act 18.25.019

## CIGARETTES

### Unfair cigarette sales below cost act

- definitions 19.91.010
- wholesaler's cost
  - federal income tax as standard 19.91.010

### Wholesalers and retailers

- enforcement 82.24.550
- fees and penalties to general fund 82.24.560
- license
  - application and issuance 82.24.510
  - required 82.24.500
  - retailers 82.24.530
  - scope 82.24.540
  - wholesalers 82.24.520

## CIRCUSES

### Permits for transportation of equipment

- 46.16.080

## CITIES AND TOWNS

### Ambulance services

- towns, operation of 35.27.370

### Animals, third class cities 35.24.290

### Annexation

- boundaries
  - use of centerlines of streets, roads, highways 35.02.170
- fire protection districts
  - assets defined 35.02.200
  - less than sixty percent of assessed value of property acquired, disposition of assets 35.02.200
  - sixty percent of assessed valuation acquired, ownership of assets of district vested in city or town, conditions 35.02.190

## CITIES AND TOWNS—Cont.

### Annexation—Cont.

- sewerage, water and drainage systems, transfer of system upon annexation of area 36.94.180
- use of right of way lines of streets, roads, highways 35.02.170

### Bond issues

- public utility acquisitions
  - general obligation bonds, pledge of revenue for payment of 35.92.080

### Bridges

- viaducts and tunnels, first class cities, construction and repair 35.22.280

### Building contractors, building permits registration under chapter 18.27 RCW, prerequisite to issue 18.27.110

### Buildings

- first class cities, control over location and construction 35.22.280
- life-cycle cost analysis Ch. 39.35
- third class cities, maintenance for municipal purposes 35.24.290
- towns 35.27.370

### Cemeteries

- first class cities, regulation of 35.22.280
- second class cities, establishment and regulation 35.23.440

### Civil violations subject to monetary penalties as alternative to criminal sanctions 35.22.280, 35.23.440, 35.24.290, 35.27.370

### Commons, second class cities 35.23.440

### Community service by offenders

- workers' compensation and liability insurance coverage 51.12.045

### Consolidation including annexation of cities annexation, alternate methods

- acceptance by annexing city 35.10.217
- annexing city to indicate acceptance 35.10.217
- election 35.10.217
- notice to annexing town, duty of legislative body 35.10.217
- petition of electors 35.10.217
- resolution of city to be annexed 35.10.217
- fire department employees, transfer of 35.10.360, 35.10.365, 35.10.370, 35.10.510, 35.10.520, 35.10.530, 35.13.215, 35.13.225, 35.13.235

### Contracts

- second class cities, power to make 35.23.440

### Criminal identification. See STATE PATROL, subtitle Identification and criminal history section

### Depositaries

- "qualified public depositary", all deposits must be made with 39.58.080

### Disorderly houses, second class cities, control of 35.23.440

### Disorderly persons, first class cities, providing for punishment of 35.22.280

### Dogs

- third class cities, licensing 35.24.290
- towns, licensing 35.27.370

### Elections

- ballots
  - city incorporation candidates 35.02.086
  - wording 35.02.110
- conduct of 29.13.020
- declarations of candidacy
  - nonpartisan primaries
    - cities of first, second, third, and fourth class elections 29.21.060
  - first class cities
    - general and special 35.22.280
    - nonpartisan primaries
      - declarations of candidacy 29.21.060

## CITIES AND TOWNS

## CITIES AND TOWNS—Cont.

### Elections—Cont.

- fourth class cities
  - nonpartisan primaries
    - declarations of candidacy 29.21.060
- general municipal
  - city incorporation election, effect on 35.02.130
  - date of 35.02.130
- nonpartisan primaries
  - first class cities
    - declarations of candidacy 29.21.060
  - second class cities
    - declarations of candidacy 29.21.060
  - third class cities
    - declarations of candidacy 29.21.060
- precincts
  - combining or dividing 29.04.055
- second class cities
  - general power 35.23.440
  - nonpartisan primaries
    - declarations of candidacy 29.21.060
- third class cities
  - nonpartisan primaries
    - declarations of candidacy 29.21.060
- times for holding
  - county auditor, mandatory dates 29.13.020
- towns
  - nonpartisan primaries
    - declarations of candidacy 29.21.060
- Electrical contractors
  - licenses, limitation on city to regulate 19.28.120
- Electrical installations
  - chapter inapplicable to cities and towns having preexisting ordinance 19.28.360
  - electrical inspector 19.28.070
  - enforcement powers 19.28.070
  - higher standards may be imposed than state statutes 19.28.010
  - permits not permitted to nonlicensees 19.28.190
  - RCW 19.28.210 inapplicable to cities and towns having equal or higher standards, when 19.28.360
- Emergency medical care and transportation services, state preempts authority 18.73.020
- Eminent domain
  - first class cities, general power 35.22.280
  - second class cities
    - power of 35.23.440
- Energy facility site evaluation council, selection of member 80.50.030
- Fire fighting equipment, standardization Ch. 70.75
- Fire hydrants
  - water companies may be required to maintain 80.28.250
- Fire prevention
  - first class cities, providing for 35.22.280
  - roadway provisions not adopted 19.27.060
  - third class cities 35.24.290
  - towns, provisions for 35.27.370
- Fire protection districts
  - annexation of a city or town
    - transfer of employees 52.04.111–52.04.131
    - withdrawal from 52.08.025
- First class cities
  - bridges, viaducts, and tunnels, construction and repair 35.22.280
  - buildings, control over location and construction 35.22.280
  - cemeteries, regulation of 35.22.280
  - charters
    - amendment
      - method for 35.22.280

## CITIES AND TOWNS

### CITIES AND TOWNS—Cont.

First class cities—Cont.  
disorderly persons, providing for punishment of 35.22.280  
elections  
  general and special 35.22.280  
  nonpartisan primaries  
    declarations of candidacy 29.21.060  
  eminent domain, general power 35.22.280  
  fire prevention, providing for 35.22.280  
  hospital, establishment and regulation 35.22.280  
  intoxicating liquors, enforcement of state laws 35.22.280  
  libraries, establishment and maintenance 35.22.280  
  licenses, pesticide applicators, authorized to issue 17.21.305  
  licensing power, generally 35.22.280  
  local improvement  
    special assessments 35.22.280  
  markets, regulating weights and measures 35.22.280  
  negotiable bonds, issuance, limitation 35.22.280  
  nuisances, abatement of 35.22.280  
  occupations, regulation of 35.22.280  
  ordinances, violations, providing for punishment 35.22.280  
  parks, purchase of property for 35.22.280  
  parks and recreation, acquisition, exchange of land for park purposes 35.22.280  
  party walls and partition fences, regulation of 35.22.280  
  powers  
    specific, enumerated 35.22.280  
  prostitutes, providing for punishment of 35.22.280  
  public health, preservation of 35.22.280  
  public lands, regulate control and use 35.22.280  
  railroads or street railroads, conditions for operation 35.22.280  
  real property, purchase, control and disposition of 35.22.280  
  reform schools, establishment and maintenance 35.22.280  
  retirement systems, with  
    persons employed by as ineligible for state system 41.40.120  
  specific powers 35.22.280  
  streets and alleys  
    change of grade, compensation to abutting owners 35.22.280  
    lighting of 35.22.280  
  taxes  
    levying and collecting 35.22.280  
  tugs and wharf boats, regulation and control of 35.22.280  
  vagrants, providing for punishment of 35.22.280  
  waterways, regulation of 35.22.280  
  waterworks, providing for inhabitants 35.22.280  
  weights and measures, regulation of 35.22.280  
  wharfage and dockage, fixing rates 35.22.280  
Flood control  
  management plans  
    department of ecology authority 86.26.050  
Franchises and privileges  
  third class cities 35.24.290  
Funds  
  city street fund  
    uncollected road district taxes 35.02.140  
  street  
    road district taxes 35.02.140

### CITIES AND TOWNS—Cont.

Gambling  
  second class cities, control of 35.23.440  
  third class cities, control of 35.24.290  
  towns, control of 35.27.370  
Garbage  
  collection and disposal systems  
    establishment of 35.21.120  
    contracts for solid waste handling 35.21.120  
Hazardous materials incidents  
  incident command agencies  
    designation by 70.136.030  
Hazardous materials response teams  
  fire protection districts may participate 52.12.140  
Hazardous waste management  
  local governments  
    grants available 70.105.235  
    pollution control hearings board to hear disputes 70.105.250  
    technical assistance from department 70.105.255  
  local governments to  
    designate zones 70.105.225, 70.105.230  
    prepare local plans 70.105.220  
Health and safety  
  first class cities, preservation of 35.22.280  
  second class cities 35.23.440  
  towns 35.27.370  
Hospitals  
  first class cities, establishment and regulation of 35.22.280  
  second class cities 35.23.440  
House numbers, second class cities 35.23.440  
Incorporation  
  authority for 35.02.010  
  boundaries  
    use of centerlines of streets, roads, highways 35.02.170  
    use of right of way lines of streets, roads, highways 35.02.170  
  cancellation, acquisition, of franchise or permit for operation of public service business in territory incorporated 35.02.160  
  certificates of election, issuance by county auditor 35.02.130  
  date effective 35.02.130  
  election  
    ballot position 35.02.086  
    candidate 35.02.086  
    conducted in accordance with general election laws 35.02.090  
    qualification of voters 35.02.090  
    question of incorporation  
      ballot wording 35.02.110  
      certification of results 35.02.120  
      notice of 35.02.100  
  elections 35.02.078  
  exemption from State Environmental Policy Act 36.93.170  
  findings by county legislative authority decreasing area, limitation 35.02.070  
  establishment of boundaries 35.02.070  
  limited powers during interim period 35.02.130  
  newly incorporated  
    county may contract for essential services 35.02.225  
    county to provide law and road services 35.02.220  
  order declaring, filing with secretary of state 35.02.120  
  petition for  
    certification, notice of 35.02.037  
  petitions for  
    contents 35.02.030  
    county auditor's duties 35.02.035  
    signatures necessary 35.02.020  
  population requirements 35.02.010

### CITIES AND TOWNS—Cont.

Incorporation—Cont.  
  public hearing  
    publication of notice 35.02.040  
    time limitations 35.02.039  
  purpose of statute 35.02.005  
  road district taxes  
    city street fund 35.02.140  
    uncollected 35.02.140  
  roads, county, revert to city or town 35.02.180  
  sewerage, water and drainage systems, transfer of system 36.94.180  
Indebtedness  
  computation of indebtedness 39.36.030  
Insurance  
  pools, liability insurance 48.62.040  
Insurance agents, excise or privilege taxes, state preemption 48.14.020  
Insurance companies, excise or privilege taxes, state preemption 48.14.020  
Intercounty incorporation  
  county officers  
    collection of money 35.02.240  
    costs borne proportionately 35.02.230, 35.02.240  
    powers and duties after incorporation 35.02.230, 35.02.240  
  dealings with federal government  
    real or personal property transactions 35.02.250  
  utility service contracts 35.02.250  
Intoxicating liquor  
  first class cities, enforcement of state laws 35.22.280  
  second class cities, enforcement of state laws 35.23.440  
Jails  
  improvement and construction  
    bond issue, 1981  
      authorized, amount, uses 70.48A.020  
      proceeds  
        administration by jail commission 70.48A.040  
    bond issue  
      administered by state jail commission 70.48.280  
      authorized, amount, purposes 70.48.260  
  state financial assistance  
    compliance certification 70.48.330  
Land use  
  comprehensive plans for 35.63.090  
Liability insurance  
  offenders performing community service 51.12.045  
Libraries  
  first class cities, establishment and maintenance of 35.22.280  
  third class cities, establishment and maintenance of 35.24.290  
Licenses  
  first class cities, powers 35.22.280  
  license fees  
    telephone business  
      network telephone service 35.21.714  
      toll telephone service, intrastate, taxable amount 35.21.714  
  second class cities 35.23.440  
  third class cities, power 35.24.290  
  towns, general power 35.27.370  
Limitation of actions  
  application of statute of limitations to actions by 4.16.160  
Liquor vendors, appointment by liquor control board 66.08.050  
Low-income housing  
  loans and grants 35.21.685  
Markets and marketing  
  first class cities, regulating weights and measures 35.22.280

**CITIES AND TOWNS**

**CITIES AND TOWNS—Cont.**  
**Markets and marketing—Cont.**  
 second class cities, regulation of 35.23.440  
 third class cities 35.24.290  
**Mass public transportation systems, construction, facilities, vehicles, not "sale" for purposes of taxation 82.04.050**  
**Motor vehicle fund**  
 allocation of proceeds from to, distribution of amount allocated 46.68.100  
**Newly incorporated**  
 county may contract for essential services 35.02.225  
 county to provide road and law enforcement services 35.02.220  
**Nuisances**  
 first class cities, abatement of 35.22.280  
**Occupation, second class cities, control of 35.23.440**  
**Offenders performing community service workers' compensation and liability insurance coverage 51.12.045**  
**Officers and employees**  
 incorporation proceedings  
 terms of office 35.02.130  
**Official bonds**  
 second class city officers 35.23.190  
 third class city officers 35.24.080  
 town officers 35.27.120  
**Ordinances and resolutions**  
 electrical installations 19.28.010, 19.28.360  
 first class cities  
 violations, providing for punishment 35.22.280  
**Parks and recreation**  
 first class cities, purchase property for 35.22.280  
 second class cities  
 acquisition of land for 35.23.440  
**Party walls and partition fences, first class cities, regulation of 35.22.280**  
**Pesticide applicators licenses, cities and towns authorized to issue 17.21.305**  
**Petition for annexation, action while pending final disposition 35.02.150**  
**Petition for incorporation**  
 action while pending final disposition, submission of additional petition 35.02.150  
 withdrawal or substitution of 35.02.150  
**Police**  
 sales-dealers' licenses, police chief to certify 46.70.041  
**Powers**  
 first class cities  
 specific enumeration 35.22.280  
 second class cities  
 specific enumeration 35.23.440  
 third class cities  
 general power in regard to 35.24.290  
 specific enumeration 35.24.290  
 towns  
 specific enumeration 35.27.370  
**Prison labor**  
 third class cities, use of 35.24.290  
**Property**  
 first class cities, control over 35.22.280  
 towns, acquisition and management for municipal purposes 35.27.370  
**Prostitution**  
 first class cities, providing for punishment of 35.22.280  
 third class cities, punishment of 35.24.290  
 towns, control of 35.27.370  
**Public health**  
 first class cities, preservation of 35.22.280  
**Public lands, first class cities, regulate, control and use 35.22.280**  
**Public markets**  
 first class cities, regulation 35.22.280  
 second class cities, regulation 35.23.440

**CITIES AND TOWNS—Cont.**  
**Public markets—Cont.**  
 third class cities, regulation 35.24.290  
**Public mass transportation system**  
 sales tax exemption, building, repairing, or improving 82.04.050  
**Public safety and education assessment**  
 fines, forfeitures, or penalties except traffic infractions 3.62.090  
**Railroad crossings, signals and devices**  
 allocation of  
 funds to defray costs of 81.53.291  
**Railroads**  
 first class cities  
 conditions for operation 35.22.280  
**Referendum**  
 business and occupation tax increase 35.21.706  
**Reform schools, first class cities, establishment and maintenance 35.22.280**  
**Rewards**  
 authority, payment 10.85.030  
 conflicting claims 10.85.040  
 payment 10.85.050  
**Riots, second class cities, prevention and control of 35.23.440**  
**Rivers and streams**  
 third class cities 35.24.290  
 towns, control of 35.27.370  
**Second class cities**  
 accounts, power to examine 35.23.440  
 bridges, power to construct 35.23.440  
 buildings, power to provide public buildings 35.23.440  
 cemeteries, establishment and regulation of 35.23.440  
 combustibles, regulation of 35.23.440  
 commons, regulation of 35.23.440  
 contracts, power to make 35.23.440  
 disorderly houses, control of 35.23.440  
 elections  
 general power 35.23.440  
 nonpartisan primaries  
 declarations of candidacy 29.21.060  
 eminent domain  
 power of 35.23.440  
 fire department  
 establishment and maintenance of 35.23.440  
 fire limits 35.23.440  
 fire limits 35.23.440  
 gambling, control of 35.23.440  
 harbors and wharves, powers to build, improve, and regulate 35.23.440  
 health and safety, providing for 35.23.440  
 hospitals, establishment and maintenance of 35.23.440  
 house numbers, providing for 35.23.440  
 intoxicating liquors, regulation of 35.23.440  
 judgments against, power to pay 35.23.440  
 licenses  
 businesses 35.23.440  
 dance houses 35.23.440  
 ferries 35.23.440  
 generally 35.23.440  
 hotel runners 35.23.440  
 peddlers 35.23.440  
 ships and shipping 35.23.440  
 shows 35.23.440  
 toll bridges 35.23.440  
 vehicles 35.23.440  
 local improvements, providing for 35.23.440  
 markets and marketing, regulation 35.23.440  
 motor vehicles, regulation of speed 35.23.440  
 navigation, power to regulate 35.23.440  
 nuisances, power to declare and abate 35.23.440  
 occupations, control of 35.23.440

**CITIES AND TOWNS**

**CITIES AND TOWNS—Cont.**  
**Second class cities—Cont.**  
 officers, appointive  
 oath and bond 35.23.190  
 officers, elective  
 oath and bond 35.23.190  
 ordinances  
 authority to make and pass 35.23.440  
 penalty for violation 35.23.440  
 parks, power to provide 35.23.440  
 parks and recreation, acquisition of land for 35.23.440  
 police department  
 establishment and maintenance of 35.23.440  
 police judge  
 specific powers 35.23.440  
 powers  
 specific enumeration 35.23.440  
 property, acquisition, control, and disposition of 35.23.440  
 riots, prevention and control of 35.23.440  
 safety and sanitary measures  
 power to provide for 35.23.440  
 sewerage systems, regulation of 35.23.440  
 stock pounds, establishment and maintenance 35.23.440  
 streets and alleys  
 cleaning 35.23.440  
 streets and sidewalks  
 franchises to use 35.23.440  
 providing for 35.23.440  
 taxation  
 assessment and levying power 35.23.440  
 toll bridges, licensing 35.23.440  
 water overflow, power to prevent 35.23.440  
 water systems  
 control of 35.23.440  
 watercraft and shipping, power to regulate 35.23.440  
 waterways, control of 35.23.440  
 weights and measures, regulation of 35.23.440  
 wharfage rates, power to fix 35.23.440  
**Sewerage systems**  
 construction  
 third class cities 35.24.290  
 construction and maintenance, power to compel connections with 35.27.370  
 second class cities, general systems 35.23.440  
 third class cities 35.24.290  
**Ships and shipping**  
 first class cities, regulation of 35.22.280  
 second class cities 35.23.440  
 third class cities 35.24.290  
**Sidewalks**  
 second class cities  
 franchises to use 35.23.440  
 providing for 35.23.440  
 third class cities  
 liability of abutting owners, limitation 35.24.290  
 regulation and management of 35.24.290  
 towns  
 franchises to use and occupy 35.27.370  
**Solid waste handling**  
 contracts with private vendors 35.92.024  
**Stock pounds, second class cities, establishment and maintenance 35.23.440**  
**Storm water control facilities**  
 public property subject to rates and charges 35.67.025, 35.92.021  
 rates and charges  
 credit received for initiating improvements 90.03.510  
 definitions 90.03.520  
 state highway rights of way, with respect to 90.03.525

## CITIES AND TOWNS—Cont.

Street projects  
 construction or improvements, prerequisite to property development alternative financing method 35.72.050

Streets and alleys  
 first class cities  
 altering grade 35.22.280  
 lighting of 35.22.280  
 second class cities  
 cleaning 35.23.440  
 franchises 35.23.440  
 providing for 35.23.440  
 third class cities  
 liability of abutting owners, limitation 35.24.290  
 regulation and management 35.24.290

Towns  
 control and management 35.27.370  
 franchises to use and occupy 35.27.370

Taxation  
 first class cities, general power 35.22.280  
 insurance companies, state preemption 48.14.020  
 second class cities  
 general assessment and levying power 35.23.440  
 telephone business  
 deferral of rate reduction 35.21.871  
 network telephone service 35.21.714, 35.21.715  
 toll telephone service 35.21.714  
 towns, property tax 35.27.370

Termination of utility heating service  
 limitations 35.21.300  
 report to legislature on benefits 35.21.301

Third class cities  
 animals  
 dogs, license of 35.24.290  
 running at large, regulation of 35.24.290  
 buildings, maintenance for municipal purposes 35.24.290  
 dogs, licensing of 35.24.290  
 elections  
 nonpartisan primaries  
 declarations of candidacy 29.21.060  
 fire prevention  
 fire limits 35.24.290  
 provisions for 35.24.290  
 franchises  
 restrictions on granting 35.24.290  
 gambling, control of 35.24.290  
 houses of ill fame, punishment of keepers and inmates 35.24.290  
 libraries, establishment and maintenance 35.24.290  
 licenses  
 businesses 35.24.290  
 dogs 35.24.290  
 markets and market places, establishment and regulation 35.24.290  
 officers, generally  
 oaths and bonds 35.24.080  
 ordinances  
 authority to pass 35.24.290  
 general power in regard to 35.24.290  
 violations of  
 fines, penalties, and forfeitures for 35.24.290  
 powers  
 general provisions 35.24.290  
 specific enumeration 35.24.290  
 prison labor, use of 35.24.290  
 rivers and streams, powers over 35.24.290  
 sewer systems, construction and maintenance 35.24.290  
 ships and shipping  
 regulation of 35.24.290

## CITIES AND TOWNS—Cont.

Third class cities—Cont.  
 sidewalks  
 liability of abutting owners, limitation 35.24.290  
 regulation and management of 35.24.290  
 specific powers enumerated 35.24.290  
 streets and alleys  
 liability of abutting owners, limitation 35.24.290  
 regulation and management of 35.24.290  
 wards, division of city into 35.24.290

Towns  
 ambulance service, operation of 35.27.370  
 animals, control of 35.27.370  
 buildings 35.27.370  
 dogs, licensing of 35.27.370  
 fire prevention, provisions for 35.27.370  
 gambling, control and punishment of 35.27.370  
 general welfare, ordinances to provide for 35.27.370  
 licensing, general power 35.27.370  
 limitation upon actions by 4.16.160  
 officers, generally  
 oaths and bonds of 35.27.120  
 ordinances  
 passing, authority for 35.27.370  
 violations  
 fines, penalties, limitation 35.27.370  
 prosecutions for 35.27.370  
 powers  
 specific enumeration 35.27.370  
 property, acquisition and management for municipal purposes 35.27.370  
 prostitution, control and punishment of 35.27.370  
 purchase and sale of real estate and personal property by 35.27.370  
 rivers and streams, control of 35.27.370  
 specific powers enumerated 35.27.370  
 streets and sidewalks  
 control and management 35.27.370  
 franchises to use and occupy 35.27.370  
 taxation  
 property tax 35.27.370  
 water, contracting for supply of 35.27.370

Tugs and wharf boats, first class cities, regulation and control 35.22.280

Utility services  
 budget billing or equal payment plan 35.21.300  
 ownership by municipality  
 cutting off services 35.21.300  
 disputed accounts 35.21.300  
 enforcement of lien 35.21.300

Vehicles  
 confidential license plates 46.08.066  
 second class cities, regulation of speed 35.23.440

Wards  
 second class cities, division of city into 35.24.290  
 third class cities, division of city into 35.24.290

Water systems  
 first class cities 35.22.280  
 second class cities 35.23.440  
 towns, contracting for 35.27.370

Watercourses and waterways  
 first class cities, regulation 35.22.280  
 second class cities 35.23.440

Weights and measures  
 first class cities, regulating in markets 35.22.280  
 second class cities, regulation of 35.23.440

Workers' compensation  
 offenders performing community service 51.12.045

## CITIES AND TOWNS—Cont.

World War II reparations  
 municipal employees, redress 41.04.580–41.04.595

CITIES—OPTIONAL MUNICIPAL CODE

Annexation  
 direct petition method  
 hearing 35A.14.140  
 ordinance providing for annexation 35A.14.140  
 election method  
 date for election 35A.14.050  
 resolution for election, contents of resolution 35A.14.015  
 review board 35A.14.050  
 decision, filing, date for election 35A.14.050  
 review board  
 election method 35A.14.050

Charter code city  
 powers, legislative bodies 35A.11.020

Civil service  
 firemen and policemen, limitations on 35A.11.020

Community service by offenders  
 workers' compensation and liability insurance coverage 51.12.045

Criminal violations may be made civil violations 35A.11.020

Elections  
 candidates  
 declaration of candidacy, time for filing, withdrawal 35A.29.110  
 nominating petitions 35A.29.110  
 officers  
 commencement of terms 35A.29.090

Incorporation to be governed by chapter 35.02 RCW 35A.03.005

Liability insurance  
 offenders performing community service 51.12.045

Licenses and permits  
 telephone toll service 35A.82.060

Mayor—council plan of government  
 officers  
 oath and bond 35A.12.080

Merit system  
 firemen and policemen, limitation 35A.11.020

Noncharter code city  
 legislative bodies, powers 35A.11.020  
 powers, legislative bodies 35A.11.020

Oath and bond, officers  
 mayor—council plan of government 35A.12.080

Offenders performing community service  
 workers' compensation and liability insurance coverage 51.12.045

Officers  
 commencement of terms 35A.29.090  
 mayor—council plan of government  
 oath and bond of officers 35A.12.080

Ordinances  
 annexation  
 direct petition method, ordinance providing for 35A.14.140

Organization as noncharter code city  
 unincorporated area  
 continuation of special districts 35.02.210  
 fire protection districts, continuation 35.02.210  
 library districts, continuation 35.02.210

Powers  
 charter code city  
 legislative bodies 35A.11.020  
 noncharter code city  
 legislative body 35A.11.020

## CITIES—OPT. MUN. CODE

### CITIES—OPT. MUN. CODE—Cont.

Retirement and pension systems  
firemen and policemen, limitations on  
35A.11.020

Special districts, incorporation as noncharter  
code city, continuation of special districts  
at option of city 35.02.210

Taxes  
network telephone services 35A.82.065  
telephone business  
deferral of rate reduction 35A.82.070  
telephone toll service  
gross revenues 35A.82.060  
limitations 35A.82.060

Workers' compensation  
offenders performing community service  
51.12.045

### CITIZENS' COMMISSION ON SALARIES

Chairperson 43.03.310  
Court of appeals judges 2.06.062  
Created 43.03.305  
District court judges 3.58.010  
Duties 43.03.010, 43.03.310  
Legislative declaration, purpose 43.03.300  
Membership, terms, vacancies 43.03.305  
Superior court judges 2.08.092  
Supreme court justices 2.04.092  
Travel expenses 43.03.310

### CIVIC CENTERS

Intoxicating liquor, licenses for dining places  
at 66.24.400

### CIVIC CORPORATIONS

Nonprofit corporations, authorized 24.03.015

### CIVIL ACTIONS AND PROCEDURE

Cable television services  
theft  
civil cause of action 9A.56.250  
unlawful sale  
civil cause of action 9A.56.250

Joint and several liability  
multiple persons at fault 4.22.030

Lie detector tests of employees  
civil penalty and damages, attorney fees  
49.44.135

Personal injuries  
definitions 4.56.250

Wrongful death  
definitions 4.56.250

### CIVIL SERVICE

Employees, status while on duty with emer-  
gency management organizations  
38.52.140

State  
classification and salary schedules  
salary and fringe benefit surveys  
plan, contents, required 41.06.163  
employee performance evaluation proce-  
dures 41.06.163  
exemptions  
community development, department of  
41.06.072  
salaries and fringe benefits  
surveys  
plan, contents, required 41.06.163  
state patrol 41.06.167

State personnel board  
appointment of members 41.06.110  
chairman 41.06.110  
created 41.06.110  
established 41.06.030  
hearing officers, appointment authority  
41.06.110  
meetings 41.06.120

### CIVIL SERVICE—Cont.

State personnel board—Cont.  
prior board abolished, transfer of employees,  
supplies and records to department of  
personnel 41.06.230  
quorum 41.06.110  
terms of office 41.06.110  
travel expenses and compensation 41.06.110

### CLAIMS

Chiropractor, professional negligence, limita-  
tions on 4.16.350

Commission merchant failing to pay consignor  
creditor, procedure for settlement of claim  
20.01.240

Crime victim's application for benefits, time  
limitation 7.68.060

Dentistry, professional negligence, limitations  
on 4.16.350

Health maintenance organizations, profession-  
al negligence, limitations on 4.16.350

Hospital personnel, professional negligence,  
limitations on 4.16.350

Hospitals, professional negligence, limitations  
on 4.16.350

Housing finance commission 4.92.040

Nursing homes, professional negligence, limi-  
tations on 4.16.350

Opticians, professional negligence, limitations  
on 4.16.350

Optometrists, professional negligence, limita-  
tions on 4.16.350

Osteopathic physician, professional negligence,  
limitations on 4.16.350

Osteopathic physician's assistant, professional  
negligence, limitations on 4.16.350

Pharmacists, professional negligence, limita-  
tions on 4.16.350

Physical therapists, professional negligence,  
limitations on 4.16.350

Physician's assistant, professional negligence,  
limitations on 4.16.350

Physician's trained mobile intensive care para-  
medic, professional negligence, limitations  
on 4.16.350

Physicians and surgeons, professional negli-  
gence, limitations on 4.16.350

Podiatrists, professional negligence, limitations  
on 4.16.350

Practical nurse, professional negligence, limi-  
tations on 4.16.350

Psychologist, professional negligence, limita-  
tions on 4.16.350

Registered nurse, professional negligence, limi-  
tations on 4.16.350

State, against  
claims against made to legislature, or risk  
management office, payment procedure  
4.92.040  
payment, procedure 4.92.160

Time of filing  
tort claims  
state 4.92.100

### CLERGYMEN

Privileged communications 5.60.060

### CLERKS

Superior courts  
powers and duties  
judgment against state 4.92.040  
state, judgments against, duties 4.92.040

### CLUBS

Intoxicating liquor  
delivery by minors, limitation 66.44.340  
sale on premises by minor, limitation  
66.44.340

## COLLEGES AND UNIVERSITIES

### CODE REVISER

Retail installment contract  
interest rates, state treasurer to publish in  
register 63.14.135

State register  
attorney general's opinions, published in  
34.08.020  
contents  
period of 34.08.020  
created  
period of 34.08.020  
publication  
period of 34.08.020

### COLLEGES AND UNIVERSITIES

Accreditation lists of colleges and universities  
whose graduates may receive teachers' cer-  
tificates without examination 28A.04.120

Boards of regents or trustees  
delegation of powers and duties 28B.10.528

Budgets  
services and activities fees, budgeting proce-  
dure 28B.15.044, 28B.15.045

Capital projects  
general obligation bonds authorized  
43.99G.020

Community colleges  
fees  
tuition  
defined 28B.15.020  
reflect instructional cost 28B.15.067  
state board for community college education  
annual report to governor 28B.50.070  
fiscal year 28B.50.070  
meetings 28B.50.070  
organization of board 28B.50.070  
tuition fees  
reflect instructional cost 28B.15.067

Excellence in education  
college tuition waiver for teachers and prin-  
cipals 28B.15.547

Fees  
limitation on total tuition and fee waivers  
28B.15.740  
services and activities  
guidelines for programs supported by  
28B.15.045  
legislative declaration on expenditure  
28B.15.044  
mandatory provisions relating to use of  
28B.15.045  
services and activities committee 28B.15.045  
tuition  
defined 28B.15.020  
reflect instructional cost 28B.15.067  
waiver  
foreign students 28B.15.555,  
28B.15.556  
teachers and principals, award for edu-  
cational excellence 28B.15.547

Financial aid programs for students  
higher education coordinating board  
authorized to accept grants, gifts, be-  
quests, etc. 28B.10.820  
eligibility for financial aid 28B.10.810  
executive director, employees, appoint-  
ment by 28B.10.824  
grants, awarding of, procedure  
28B.10.808  
powers and duties concerning 28B.10.806  
rules and regulations 28B.10.822

Foreign students  
tuition waiver 28B.15.555, 28B.15.556

Private degree-granting institutions regulated  
authorization required to offer or grant de-  
gree 28B.85.030  
claims, complaints, investigations, procedure  
28B.85.090

## COLLEGES AND UNIVERSITIES

### COLLEGES AND UNIVERSITIES—Cont. Private degree-granting institutions regulated—Cont.

consumer protection, unfair or deceptive practice 28B.85.180  
 contracts, voidable, when 28B.85.140  
 debts, enforceability of 28B.85.150  
 definitions 28B.85.010  
 educational records 28B.85.130  
 enforcement of chapter, injunctive relief 28B.85.160, 28B.85.170  
 fees may be imposed by board 28B.85.060  
 higher education coordinating board, duties 28B.85.020  
 information may be required by board 28B.85.050  
 jurisdiction of court 28B.85.120  
 prerequisites to granting degree 28B.85.040  
 remedies and penalties are nonexclusive and cumulative 28B.85.190  
 surety bonds, security, procedure 28B.85.070  
 suspension or modification of requirements by board authorized 28B.85.080  
 violations  
   civil penalties 28B.85.100  
   criminal penalties 28B.85.110  
 Purchase of materials and supplies  
 compliance with regulations as to required 43.19.200  
 Regional universities  
 courses, studies and instruction  
   state board to prescribe 28A.04.120  
 entrance requirements  
   relative to teacher, school administrators, and school specialized personnel certification, investigation by state board of education 28A.04.120  
 fees  
   tuition  
     defined 28B.15.020  
     reflect instructional cost 28B.15.067  
 program of courses, leading to teacher, school administrators, and school specialized personnel certification, state board to approve 28A.04.120  
 tuition  
   fees  
     adjustments required by educational costs, determining 28B.15.076  
     reflect instructional cost 28B.15.067  
 Salary and fringe benefit surveys  
 requirements 28B.16.112  
 Services and activities fee committee  
 28B.15.045  
 State granted lands under lease with improvements by school district or institution of higher learning, purchase authorized, purposes, procedure  
 time limit 79.01.770  
 The Evergreen State College  
 education courses approved by state board of education 28A.04.120  
 entrance requirements  
   relative to teacher, school administrator, or school specialized personnel certification, state board of education, investigation by 28A.04.120  
 fees  
   tuition  
     defined 28B.15.020  
     reflect instructional cost 28B.15.067  
 program of courses leading to teacher, school administrator, or school specialized personnel certification approved by state board of education 28A.04.120  
 tuition  
   adjustments required by educational costs, determining 28B.15.076

### COLLEGES AND UNIVERSITIES—Cont.

The Evergreen State College—Cont.  
 tuition—Cont.  
 exemptions  
   children of  
     certain citizens missing in action or prisoners of war, limitations, procedure 28B.10.265  
   law enforcement officers and fire fighters killed or totally disabled in line of duty 28B.40.361  
 fees  
   reflect instructional cost 28B.15.067  
   increase in, certain veterans exempt 28B.15.620  
 Tuition and fees  
 limitation on total tuition and fee waivers 28B.15.740  
 programs applicable to 28B.15.740  
 waiver  
   foreign students 28B.15.555, 28B.15.556  
   teachers and principals, educational excellence 28B.15.547  
 Tuition fees  
   reflect instructional cost 28B.15.067  
 University of Washington  
 education courses approved by state board of education 28A.04.120  
 entrance requirements  
   relative to teacher, school administrators, and school specialized personnel certification  
   investigation by state board of education 28A.04.120  
   state board of education, investigation by 28A.04.120  
 fees  
   tuition  
     defined 28B.15.020  
     reflect instructional cost 28B.15.067  
 forensic pathology fellowship program 28B.20.426  
 liquor revolving fund, medical and biological research, use for 66.08.180  
 program of courses leading to teacher, school administrators, and school specialized personnel certification approved by state board of education 28A.04.120  
 toxicological laboratories 68.08.107  
 tuition fees  
   reflect instructional cost 28B.15.067  
 Washington State University  
 education courses approved by state board of education 28A.04.120  
 entrance requirements  
   relative to teacher, school administrators, and school specialized personnel certification investigation by state board of education 28A.04.120  
 fees  
   tuition  
     defined 28B.15.020  
     reflect instructional cost 28B.15.067  
 liquor revolving fund, research, use for 66.08.180  
 program of courses leading to teacher, school administrators, and school specialized personnel certification approved by state board of education 28A.04.120  
 toxicological laboratories 68.08.107  
 tuition fees  
   reflect instructional cost 28B.15.067

**COLUMBIA RIVER**  
 Smelt  
 commercial fishing  
 license  
 application deadline 75.28.014

## COMMISSION MERCHANTS

### COLVILLE INDIANS

Retraction of criminal jurisdiction  
 37.12.100–37.12.140

### COMBUSTIBLES

Cities and towns, second class cities, control of  
 35.23.440

### COMMERCIAL ORGANIZATIONS

Nonprofit corporations, authorized 24.03.015

### COMMISSION MERCHANTS

Agents  
 defined 20.01.010  
 fraud 20.01.220  
 livestock  
   bond, dealer provides 20.01.210  
 Agricultural product  
 defined 20.01.010  
 Bonds 20.01.210, 20.01.230  
 dealer or agent, fraud 20.01.220  
 minimum amount 20.01.210  
 prerequisite to obtaining license 20.01.210  
 Boom loaders  
 defined 20.01.010  
 Brokers  
 defined 20.01.010  
 Cash buyer  
 defined 20.01.010  
 Civil infractions  
 monetary penalty, failure to pay 20.01.490  
 notice of  
   hearing to contest charge, order, appeal 20.01.486  
   informal hearing, order, no appeal 20.01.488  
   issuance of, procedure 20.01.482  
   response, procedure 20.01.484  
 Conditioner  
 defined 20.01.010  
 Consignor  
 creditors, failure to pay, procedure, action on bond, settlement of claim 20.01.240  
 defined 20.01.010  
 Date of sale  
 defined 20.01.010  
 Dealers  
 defined 20.01.010  
 fraud 20.01.220  
 Definitions 20.01.010  
 Director  
 defined 20.01.010  
 Disposition of fees 20.01.130  
 Established or fixed place of business  
 defined 20.01.010  
 Exemptions from chapter 20.01.010  
 Fees, disposition of 20.01.130  
 Fixed or established place of business  
 defined 20.01.010  
 Fraud  
 dealer or agent 20.01.220  
 Hay or straw dealers or merchants, certified vehicle tare weight and certified vehicle gross weight required 20.01.125  
 Hay or straw dealers or merchants  
 certified vehicle tare weight and certified vehicle gross weight required  
 failure to obtain 20.01.125  
 Hay or straw transporting  
 vehicles may be stopped  
 failure to stop, civil infraction 20.01.610  
 Licensed public weighmaster  
 certified weight 20.01.010  
 defined 20.01.010  
 Limited dealer  
 defined 20.01.010  
 Livestock  
 dealer  
 bond agent 20.01.210

## COMMISSION MERCHANTS

### COMMISSION MERCHANTS—Cont.

Person  
defined 20.01.010  
Pooling contract  
defined 20.01.010  
Processor  
defined 20.01.010  
Producer  
defined 20.01.010  
Proprietary need  
defined 20.01.010  
Retail merchant  
defined 20.01.010  
Sales  
date of, defined 20.01.010  
Schedule of commissions and charges  
false charges, penalties 20.01.460  
Secured transactions  
livestock or meat products 62A.9–204  
Seed bailment contract  
defined 20.01.010

### COMMISSION ON EQUIPMENT

Emergency vehicles  
siren, whistle or bell, commission to approve  
type 46.37.380  
Flares and other warning devices to be approved by 46.37.440  
Glass, window, tinted, etc. 46.37.430  
Lighting devices to be approved by 46.37.320  
Motor vehicles  
seat belts, shoulder harnesses, adoption and enforcement of regulations 46.37.510  
Motor-driven cycles  
helmets, goggles, face shield, regulation and specifications 46.37.530  
mirrors 46.37.530  
standards for equipment by 46.37.530  
Motorcycle equipment  
helmets, goggles, face shield, regulation and specifications 46.37.530  
mirrors 46.37.530  
standards for equipment by 46.37.530  
Portable reflector units to be approved by 46.37.440  
Safety equipment  
authority 46.37.320  
Sale or use of lamps or equipment not approved by commission unlawful 46.37.310  
Studded tires, to approve use of 46.37.420  
Tire chains, to approve use of 46.37.420

### COMMISSIONS

Compensation  
review by office of financial management  
43.03.260

### COMMODITY TRANSACTIONS

Administrative proceedings 21.30.200  
Administrator  
appointment, term, duties 21.30.390  
defined 21.30.010  
powers and duties 21.30.350  
powers and duties 21.30.230–21.30.250,  
21.30.280–21.30.300, 21.30.320–  
21.30.340  
Application of the administrative procedure  
act 21.30.210  
Board of trade  
defined 21.30.010  
requirements 21.30.050  
Bond requirements, minimum net capital and  
fidelity 21.30.300  
CFTC rule  
defined 21.30.010  
Classification of licenses 21.30.280  
Commodity  
defined 21.30.010

### COMMODITY TRANSACTIONS—Cont.

Commodity broker–dealer  
annual report and fee 21.30.290  
bond requirements, minimum net capital  
and fidelity 21.30.300  
defined 21.30.010  
license  
application for 21.30.230  
denial, suspension, revocation or limita-  
tion of 21.30.350  
examinations, waiver 21.30.250  
expiration of 21.30.260  
fees 21.30.240  
records 21.30.320  
examination of, copies, fees 21.30.340  
reports, financial and other 21.30.310  
Commodity contract  
defined 21.30.010  
place for trading, requirements 21.30.050  
transactions involving  
prohibition, exceptions 21.30.020  
Commodity exchange act  
defined 21.30.010  
Commodity futures trading commission  
defined 21.30.010  
Commodity merchant  
defined 21.30.010  
requirements 21.30.050  
Commodity option  
defined 21.30.010  
place for trading, requirements 21.30.050  
transactions involving  
prohibition, exceptions 21.30.020  
Commodity sales representative  
annual report and fee 21.30.290  
defined 21.30.010  
license  
application for 21.30.230  
authority under, notification of changes  
21.30.260  
denial, suspension, revocation or limita-  
tion of 21.30.350  
examinations, waiver 21.30.250  
expiration of 21.30.260  
fees 21.30.240  
records 21.30.320  
examination of, copies, fees 21.30.340  
Consent for service of process 21.30.190  
filed with license application 21.30.230  
Cooperation with other agencies or organiza-  
tions 21.30.180  
Definitions 21.30.010  
Director  
defined 21.30.010, 21.30.380  
powers and duties 21.30.020, 21.30.100–  
21.30.130, 21.30.180, 21.30.200,  
21.30.400  
Exemptions or exceptions  
burden of proof 21.30.220  
Financial and other reports 21.30.310  
Financial institution  
defined 21.30.010  
Information  
availability of, exceptions 21.30.170  
unlawful use or disclosure of 21.30.160  
Investigations  
procedure 21.30.110  
public or private 21.30.100  
Liability, none when act in good faith  
21.30.150  
Liability 21.30.070  
Licenses  
application for 21.30.230  
classification of 21.30.280  
denial, suspension, revocation or limitation  
of 21.30.350  
examinations, waiver 21.30.250  
expiration of 21.30.260  
fees 21.30.240, 21.30.290  
limitations and conditions of 21.30.280

## COMMUNICATIONS

### COMMODITY TRANSACTIONS—Cont.

Licenses—Cont.  
multiple, when permitted 21.30.270  
Limitations and conditions of licenses  
21.30.280  
Minimum net capital and fidelity bond re-  
quirements 21.30.300  
Multiple licenses, when permitted 21.30.270  
Offer or offer to sell  
defined 21.30.010  
Offers to sell or buy in this state 21.30.080  
Penalties nonexclusive 21.30.370  
Person  
defined 21.30.010  
Pleading exemptions or exceptions 21.30.220  
Precious metal  
defined 21.30.010  
Prohibited practices 21.30.060  
Publications or electronic communications  
when not offers to sell or buy in this state  
21.30.090  
Records  
commodity broker–dealer 21.30.320,  
21.30.340  
commodity sales representative 21.30.320,  
21.30.340  
Reports  
financial and other 21.30.310  
correcting amendments, exception  
21.30.330  
Responsibility for acts or omissions 21.30.070  
Rules or orders prescribing terms and condi-  
tions 21.30.020  
Sale or sell  
defined 21.30.010  
Securities laws not affected by 21.30.800  
Service of process  
consent for 21.30.190  
how made 21.30.190  
Transactions  
conducted by certain persons exempt from  
prohibition 21.30.030  
involving commodity contract or option,  
prohibition, exceptions 21.30.020  
Transactions and contracts exempt from prohi-  
bition 21.30.040  
Violations, penalties 21.30.120–21.30.140  
Violations  
prosecuting attorney may bring criminal  
proceedings 21.30.360

### COMMON CARRIERS

Hay or straw transporting  
vehicles may be stopped 20.01.610  
Passengers  
ejecting of, use of force, when lawful  
9A.16.020

### COMMONS

Second class cities 35.23.440

### COMMUNICATIONS

Hostage or barricaded person situation  
telecommunications may be intercepted  
9.73.030  
Privileged 5.60.060  
attorney and client 5.60.060  
clergyman, confessions to 5.60.060  
husband and wife 5.60.060  
criminal proceedings for crime against  
child when accused is parent or  
guardian of, privilege does not apply  
5.60.060  
physician and patient 5.60.060  
judicial proceeding regarding child's inju-  
ries, neglect or sexual abuse, privilege  
does not apply 5.60.060  
public officers 5.60.060

## COMMUNICATIONS

### COMMUNICATIONS—Cont.

- Radio, intercepting private conversations 9.73.030
- Telephone
  - bugging prohibited, when 9.73.030
  - electronic interception devices, prohibited 9.73.030
  - private conversations, intercepting, recording or divulging actions for
    - criminal 9.73.030
    - crimes 9.73.030
    - criminal action 9.73.030
    - exceptions 9.73.030
    - for use of police, fire, and certain emergency response personnel 9.73.090
  - news media 9.73.030
- Video or sound recordings
  - police use, when authorized 9.73.090

### COMMUNITY COLLEGES

#### Bonds

- capital improvements
  - authorized 28B.10.850
  - form, terms, conditions, sale, signature 28B.10.850
- 1983 act
  - bonds authorized, amount, condition 28B.14F.060
  - disposition of proceeds 28B.14F.062
  - form and condition of bonds 28B.14F.064
  - legal investment of public funds 28B.14F.068
  - principal and interest, payment of additional methods 28B.14F.066
  - bond retirement fund of 1977 to be used 28B.14F.064

#### Fees

- tuition
  - defined 28B.15.020
  - reflect instructional cost 28B.15.067
- waiver for
  - limitation on total tuition and fee waivers 28B.15.740
- Financial aid programs for students
  - higher education coordinating board authorized to accept grants, gifts, bequests, etc. 28B.10.820
  - eligibility for financial aid 28B.10.810
  - executive director, employees, appointment by 28B.10.824
  - grants, awarding of, procedure 28B.10.808
  - powers and duties concerning 28B.10.806
  - rules and regulations 28B.10.822

- State board for community college education
  - annual report to governor 28B.50.070
  - fiscal year 28B.50.070
  - meetings 28B.50.070
  - organization of board 28B.50.070

#### Tuition

- waiver for
  - limitation on total tuition and fee waivers 28B.15.740

#### Tuition fees

- reflect instructional cost 28B.15.067

### COMMUNITY DEVELOPMENT, DEPARTMENT OF

- Alternative fuel source
  - placard required 46.37.467
- Archaeology and historic preservation
  - powers and duties of director relating to 27.34.210–27.34.240, 27.34.270, 27.34.280
- Bond issue, 1979 act
  - fire service training center
    - bond anticipation notes, 1979 act authorized 28C.51.020

### COMMUNITY DEVELOP., DEPT. OF—Cont.

- Bond issue, 1979 act—Cont.
    - fire service training center—Cont.
      - bond anticipation notes
        - form, terms, conditions 28C.51.030
        - form, terms, conditions 28C.51.030
        - issuance authorized 28C.51.010
  - Bond issue
    - fire service training center
      - bond anticipation notes, authorized 28C.50.020
      - bond anticipation notes
        - disposition of proceeds 28C.50.040
        - fire training construction account, created 28C.50.040
        - form, terms, conditions 28C.50.030
      - bond retirement fund, created 28C.50.050
      - disposition of proceeds 28C.50.040
      - fire training construction account, created 28C.50.040
      - issuance authorized 28C.50.010
      - legal investment for public funds 28C.50.060
  - Capital improvements
    - fire service training center
      - bond anticipation notes, 1979 act authorized 28C.51.020
      - disposition of proceeds 28C.51.040
      - form, terms, conditions 28C.51.030
      - payment of principal and interest, procedure 28C.51.050
    - bond anticipation notes
      - authorized 28C.50.020
      - disposition of proceeds 28C.50.040
      - fire training construction account, created 28C.50.040
      - form, terms, conditions 28C.50.030
    - construction bonds, 1979 act authorized 28C.51.010
    - disposition of proceeds 28C.51.040
    - form, terms, conditions 28C.51.030
    - legal investment for public funds 28C.51.060
    - payment of principal and interest, procedure 28C.51.050
  - construction bonds
    - authorized 28C.50.010
    - bond retirement fund, created 28C.50.050
    - disposition of proceeds 28C.50.040
    - fire training construction account, created 28C.50.040
    - form, terms, conditions 28C.50.030
    - legal investment for public funds 28C.50.060
- Civil service exemptions 41.06.072
- Coordinator of
  - radioactive and hazardous waste response programs 38.52.030
- Cultural arts, stadium and convention districts
  - comprehensive plan review 67.38.070
- Definitions 43.63A.020
- Director
  - amateur radio operators with special license plates, list of furnished to 46.16.340
  - appointment of 43.17.020, 43.63A.040
  - archaeological sites and resources, powers and duties relating to 27.53.020, 27.53.060, 27.53.090
  - archaeology and historic preservation, powers and duties relating to 27.34.210–27.34.240, 27.34.270, 27.34.280
  - portable oil-fueled heater
    - standards for sale and use approval required 19.27A.090, 19.27A.100
    - jurisdiction of 19.27A.110
    - violations, penalty 19.27A.120

## COMMUNITY DEVELOP., DEPT. OF

### COMMUNITY DEVELOP., DEPT. OF—Cont.

- Director—Cont.
  - powers and duties
    - emergency management 38.52.030, 38.52.170, 38.52.207, 38.52.240
    - rules and regulations for emptying school buildings in emergency 28A.04.120
    - salary 43.63A.040
    - vacancy 43.17.040
  - Early childhood assistance programs
    - duties of department 28A.34A.030, 28A.34A.050
  - Emergency management
    - administration of 38.52.005
    - aid, federal or private, acceptance authorized 38.52.100
    - civil service employees
      - status while on duty with emergency management organizations 38.52.140
    - claims arising from emergency management related activities
      - assigned claims, prosecution of 38.52.300
      - claims not necessitating board meeting 38.52.220
      - consideration, adjustment, etc., by director, effect 38.52.207
      - contents 38.52.205
      - election where injury caused by persons not on emergency management duties 38.52.300
      - filing of 38.52.205
    - classification of emergency workers 38.52.310
    - commandeering persons and equipment for service 38.52.110
    - communications coordinating committee
      - appointment of 38.52.030
      - composition 38.52.030
      - powers 38.52.030
    - compensation for injuries or death of emergency management worker
      - act exclusive remedy 38.52.190
      - additional benefits 38.52.340, 38.52.350
      - appeals 38.52.330
      - appeals from board authorized 38.52.250
      - authorized, when 38.52.260
    - compensation boards
      - cities and towns 38.52.210
      - claim information 38.52.250
      - counties 38.52.210
      - majority vote necessary 38.52.250
      - maximum payments, schedule of furnished by department 38.52.320
      - meetings 38.52.220
      - powers and duties 38.52.230, 38.52.240
      - quorum 38.52.250
    - expenditures, authorized 38.52.330
    - federal aid
      - forfeiture prevented 38.52.380
      - medical, surgical or hospital treatment effect 38.52.360
      - reimbursement for 38.52.370
      - reduction of state benefits 38.52.350
    - liability of state and political subdivisions 38.52.200
    - medical, surgical or hospital treatment 38.52.360
    - minors 38.52.270
    - payment
      - funds for 38.52.280
      - maximum amount 38.52.290
      - workers' compensation act, applicability of 38.52.290
    - comprehensive emergency management plan development 38.52.030
    - local organization plans to be coordinated with plans and programs of state 38.52.070
    - submittal to legislature 38.52.035



COMMUNITY DEVELOP., DEPT. OF—  
Cont.

Emergency management—Cont.  
 comprehensive state mine rescue plan  
 submittal to legislature 38.52.037  
 contracts or work on cost basis 38.52.390  
 cooperation with federal government, other  
 state governments, and private 38.52.050  
 coordinator of  
 metropolitan or regional area, appoint-  
 ment of 38.52.050  
 search and rescue, appointment and du-  
 ties of 38.52.030  
 council  
 created 38.52.040  
 duties 38.52.040  
 compensation applications 38.52.240  
 local organization's plans referred to,  
 when 38.52.070  
 members 38.52.040  
 travel expenses 38.52.040  
 coverage of emergency workers 38.52.310  
 declaration of purpose 38.52.020  
 definitions 38.52.010  
 delegation of authority by governor through  
 director 38.52.050  
 disaster, defined 38.52.010  
 employees  
 liability 38.52.180  
 pension, etc., rights preserved 38.52.180  
 political subdivisions  
 rights and immunities of 38.52.080  
 professional, etc., license not required,  
 when 38.52.180  
 existing services and facilities, utilization of  
 38.52.110  
 federally owned area, plan applicable to  
 38.52.170  
 funds, matching of, emergency management  
 organization may require 38.52.160  
 governor  
 aid, federal or private, may accept  
 38.52.100  
 existing services and facilities, utilization  
 of 38.52.110  
 powers and duties through director  
 38.52.050  
 impressment of citizenry into service  
 38.52.110  
 interstate civil defense and disaster compact  
 38.52.090  
 interstate mutual aid compact 38.52.090  
 liability for loss or injury  
 exemption from while providing construc-  
 tion equipment or work 38.52.195  
 owners of buildings or premises designat-  
 ed shelters 38.52.180  
 state assumes, when 38.52.180  
 local organization  
 aid, acceptance of, authorized 38.52.100  
 compensation for injuries or death of  
 emergency management worker  
 compensation boards 38.52.210  
 director  
 appointment of 38.52.070  
 mutual aid agreements for emergency  
 management, may enter into  
 38.52.090  
 employees of political subdivisions, right  
 and immunities 38.52.080  
 establishment of plan for 38.52.070  
 existing services and facilities, utilization  
 of 38.52.110  
 joint operation of 38.52.070  
 director 38.52.070  
 emergency management fund 38.52.070  
 name change authorized 38.52.005  
 powers upon occurrence of disaster  
 38.52.070

COMMUNITY DEVELOP., DEPT. OF—  
Cont.

Emergency management—Cont.  
 matching of funds, may be required  
 38.52.160  
 mine rescue or recovery work, emergency  
 care, rescue, assistance or recovery ser-  
 vices, immunity from liability 38.52.198  
 minors, entitled to compensation benefits  
 38.52.270  
 mutual aid arrangements with  
 other states and territories, or provinces  
 of the Dominion of Canada by gover-  
 nor through director 38.52.050  
 political subdivisions of this state by  
 governor through director 38.52.050  
 nuclear attack 38.52.170  
 political activity prohibited 38.52.120  
 political subdivisions  
 aid, acceptance of, authorized 38.52.100  
 aid rendered to other subdivision or out of  
 state, by  
 expenses and losses borne by govern-  
 ment receiving aid 38.52.080  
 appropriations, may make 38.52.100  
 employees  
 defined 38.52.080  
 rights and immunities of 38.52.080  
 funds, matching of, emergency manage-  
 ment organization may require  
 38.52.160  
 powers of in event of disaster 38.52.070  
 services and facilities, existing, utilization  
 of 38.52.110  
 registration of emergency workers 38.52.310  
 rules and regulations  
 adoption of 38.52.310  
 emergency management organizations,  
 rules available for inspection  
 38.52.150  
 enforcement 38.52.150  
 governor may make 38.52.050  
 search and rescue activities  
 funds, distribution of, for compensation  
 and reimbursement of volunteers  
 38.52.410  
 powers and duties of local activities  
 38.52.400  
 state coordinator of search and rescue  
 appointment of 38.52.030  
 coordination and liaison of political subdi-  
 visions 38.52.030  
 powers and duties 38.52.030  
 state departments and agencies to cooperate  
 with emergency management organiza-  
 tions 38.52.110  
 state program for emergency assistance  
 preparation and administration of  
 38.52.030  
 studies and surveys of industries, resources,  
 and facilities 38.52.030  
 supervision and control by governor through  
 director 38.52.050  
 violations 38.52.150  
 Energy facility site evaluation council, mem-  
 bership 80.50.030  
 Fire protection  
 agencies, children, expectant mothers, devel-  
 opmentally disabled persons, care and  
 placement, fire protection, duties  
 74.15.050  
 annual report to governor 48.48.110  
 arson reporting immunity of 48.50.040  
 boarding homes 18.20.130  
 criminal prosecution 48.48.080  
 director  
 appointment 43.63A.340  
 examination of premises 48.48.030  
 examination of witnesses 48.48.070  
 fire losses, report of insurers 48.05.320

COMMUNITY DEVELOP., DEPT. OF—  
Cont.

Fire protection—Cont.  
 fire protection policy board  
 advisory duties 43.63A.330  
 created 43.63A.310  
 duties 43.63A.320  
 fire service training  
 account established 43.63A.370  
 fees and fee schedule 43.63A.360  
 fire service training program  
 grants and bequests 43.63A.350  
 guard dogs 48.48.150  
 hazards, removal of 48.48.050  
 hospitals, standards for protection 70.41.080  
 hospitals for mentally ill, private establish-  
 ments, duties 71.12.485  
 investigations  
 state patrol files, availability of 43.43.710  
 legislative intent 43.63A.300  
 maternity homes, duties concerning  
 18.46.110  
 nursing homes, duties concerning 18.51.140  
 nursing homes  
 building inspection authority exclusive  
 18.51.145  
 private establishments and institutions, du-  
 ties 71.12.485  
 records of fires 48.48.090  
 reports and investigations, police powers  
 48.48.060  
 schools, department duties 48.48.045  
 smoke detection devices, duties 48.48.140  
 standards of safety 48.48.040  
 statistical information and reports 48.48.065  
 transient accommodations, duties 70.62.290  
 Fire service training center  
 bond anticipation notes, 1979 act  
 authorized 28C.51.020  
 disposition of proceeds 28C.51.040  
 form, terms, conditions 28C.51.030  
 payment of principal and interest, proce-  
 dure 28C.51.050  
 bond anticipation notes  
 authorized 28C.50.020  
 disposition of proceeds 28C.50.040  
 fire training construction account, created  
 28C.50.040  
 form, terms, conditions 28C.50.030  
 construction bond issue, 1979 act  
 disposition of proceeds 28C.51.040  
 construction bond issue  
 authorized 28C.50.010  
 bond retirement fund, created 28C.50.050  
 disposition of proceeds 28C.50.040  
 fire training construction account, created  
 28C.50.040  
 form, terms, conditions 28C.50.030  
 construction bonds, 1979 act  
 authorized 28C.51.010  
 form, terms, conditions 28C.51.030  
 legal investment for public funds  
 28C.51.060  
 payment of principal and interest, proce-  
 dure 28C.51.050  
 construction bonds  
 legal investment for public funds  
 28C.50.060  
 severability 28C.50.900  
 Fireworks  
 list of allowed fireworks  
 provide 70.77.575  
 police power necessary to enforce criminal  
 provisions 70.77.250  
 powers and duties 70.77.250  
 public display, supervision  
 licensed pyrotechnic operator 70.77.415  
 seizure of 70.77.435  
 Functions and responsibilities 43.63A.065

**COMMUNITY DEVELOP., DEPT. OF—  
Cont.**

Local government bond information definitions 39.44.200  
 submittal to department of community development contents 39.44.210–39.44.230  
 validity of bonds not affected by failure to file 39.44.240

Low-income energy assistance termination of utility heating service, limitation 35.21.300, 54.16.285, 80.28.010

Public works projects public works assistance account source of revenue 82.16.010, 82.16.020

Search and rescue activities defined 38.52.010

Termination of utility heating service limitation 35.21.300, 54.16.285, 80.28.010

Washington state development loan fund committee applications 43.168.050  
 entitlement communities, grants 43.168.100

**COMMUNITY PROPERTY**

Medical assistance, limited casualty program, transfer of income for eligibility 74.09.545

Quasi-community property characterization of property 26.16.250  
 claims by surviving spouse 26.16.240  
 defined 26.16.220  
 disposition at death 26.16.230  
 lifetime transfers, effect of 26.16.240  
 waiver 26.16.240, 26.16.250

**COMPARATIVE FAULT**

Determination, limitations 4.22.070

**COMPENSATION**

Electrical examiners, board of 19.28.123  
 License revocation committee 43.24.110

**COMPETENCY**

Witnesses  
 attorneys 5.60.060  
 clergymen or priests 5.60.060  
 husband and wife 5.60.060  
 intoxication 5.60.050  
 mentally ill 5.60.050  
 physicians and surgeons 5.60.060  
 public officers 5.60.060  
 unsound mind 5.60.050  
 who may testify 5.60.020

**COMPETITIVE BIDDING**

State purchases  
 exceptions 43.19.1906  
 generally 43.19.1906

**COMPLAINTS**

Service of  
 actions against state 4.92.020

**COMPUTERS**

Joint legislative systems committee administrative committee membership 44.68.030  
 powers and duties 44.68.050  
 travel expenses 44.68.090  
 coordinator duties 44.68.040  
 secretary of administrative committee 44.68.030  
 created 44.68.020  
 definitions 44.68.010  
 legislative systems revolving fund establishment 44.68.070

**COMPUTERS—Cont.**

Joint legislative systems committee—Cont. members, terms, vacancies 44.68.020  
 service center establishment, duties 44.68.060  
 travel expenses 44.68.090  
 Legislature, information and communication functions, applicable law 44.68.080

**CONFESSIONS**

Clergymen or priests, privileged communication 5.60.060

**CONFIDENTIALITY**

Bank and trust companies examination reports and information 30.04.075  
 Child abuse and dependent adult abuse, central registry of reported cases 26.44.070

**CONSENT**

Privileged communications disclosure by witness 5.60.060

**CONSERVATION**

Conservation measures in state buildings private investment 43.19.680  
 Energy audits, state facilities implementation plan 43.19.680  
 Private investment in energy conservation measures for state buildings 43.19.680  
 State facilities private investment in conservation measures 43.19.680

**CONSERVATION CORPUS**

Membership eligibility, terms 43.220.070

**CONSIGNORS**

Commission merchants, failure to pay consign- or creditor 20.01.240

**CONSTABLES**

Truant officer, authorized to act as 28A.27.040

**CONSTRUCTION**

Contracts action arising on 4.16.300  
 limitation on 4.16.310  
 Farmers home administration projects 60.28.010

**CONSUMER PROTECTION ACT**

Auctions and auctioneers 18.11.260  
 Contractors 18.27.350

**CONSUMER REPRESENTATIVES**

License revocation committee 43.24.110

**CONTAGIOUS DISEASES**

Report by funeral directors 18.39.160

**CONTEMPT**

Witnesses before legislative authorities, power to cite 36.32.120

**CONTINUING EDUCATION**

Funeral directors and embalmers 18.39.175

**CONTRACTORS**

Attorney general to represent department 18.27.300

**CONTRACTORS—Cont.**

Building permits, registration prerequisite to permit for contractor 18.27.110  
 Consumer protection act 18.27.350  
 Farmers home administration projects 60.28.010  
 Hearing infractions 18.27.310  
 Indemnity clause in contract, against public policy 4.24.115  
 Infractions administrative hearing 18.27.310  
 attorney general to represent department 18.27.300  
 attorney representation allowed 18.27.300  
 dismissal, when 18.27.320  
 investigations 18.27.210  
 monetary penalty 18.27.340  
 notice administrative hearing 18.27.250  
 form, content 18.27.240  
 response, failure to respond 18.27.270  
 service of 18.27.230  
 Investigations violations 18.27.210  
 Liens payment of moneys earned withheld in lieu of bond 60.28.010  
 public contractors deposit of retained percentage in bank account 60.28.010  
 payment of excess over lien claims 60.28.020  
 percentages retained from moneys earned 60.28.010  
 taxes and penalties due, trust fund priority 60.28.040  
 trust fund 60.28.010  
 Notice infractions 18.27.230–18.27.250, 18.27.270  
 Payment withholding by contractor or subcontractor in lieu of bond 60.28.010  
 Prohibited acts 18.27.020  
 Public works labor and material liens 60.28.010  
 retained earnings deposited in bank account 60.28.010  
 trust fund, retain percentages for 60.28.010  
 Registration required before submitting bids or doing work, penalty 18.27.020  
 rule-making authority 18.27.125  
 Registration certificates building permit not to be issued to contractor without verification of 18.27.110  
 violations infractions administrative hearing 18.27.310  
 attorney representation allowed 18.27.300  
 dismissal, when 18.27.320  
 monetary penalty 18.27.340  
 notice administrative hearing 18.27.250  
 form, content 18.27.240  
 response, failure to respond 18.27.270  
 service of 18.27.230  
 investigations 18.27.210  
 Violations infractions administrative hearing 18.27.310  
 attorney representation allowed 18.27.300  
 dismissal, when 18.27.320  
 monetary penalty 18.27.340  
 notice administrative hearing 18.27.250  
 form, content 18.27.240  
 response, failure to respond 18.27.270

## CONTRACTORS

### CONTRACTORS—Cont.

- Violations—Cont.
  - infractions—Cont.
    - notice—Cont.
      - service of 18.27.230
  - investigations 18.27.210

## CONTRACTS

### Bonds

- payment of moneys earned
- withheld in lieu of bond 60.28.010

### Cities and towns

- second class cities, power to make 35.23.440

### Construction

- actions arising on 4.16.300
- limitation on 4.16.310
- negligence, agreements to indemnify against public policy 4.24.115

### Counties

- power, generally 36.01.010

### Emergency management, work on cost basis

- 38.52.390

### Fire prevention, fire protection districts

- 52.12.031

### Fire protection districts

- power to enter into group life insurance contracts for personnel 52.12.031

### Insurance

- health care services, filing with commissioner, termination notice 48.44.080

### Liens, public works

- contracts exceeding two hundred thousand dollars 60.28.010
- retention of reserve 60.28.010

### Personal service contracts

- oversight procedures
  - legislative findings 39.29.060
  - yearly report by agencies 39.29.070

### Personal services rendered to state agency

- exemption of certain contracts 39.29.040

### Public improvement

- labor and material liens 60.28.010

### Sale of investment securities, statute of fraud

- application 62A.8-319

### Utility services, intercounty incorporation

- 35.02.250

## CONTRIBUTORY FAULT

- Determination, limitations 4.22.070

## CONTROLLED SUBSTANCES, UNIFORM ACT

### Administer, defined 69.50.101

### Aeronautics, aircraft, subject to seizure and forfeiture 69.50.505

### Agent, defined 69.50.101

### Aircraft

- forfeited, disposition of 69.50.505
- seizures, disposition of 69.50.505

### Airplanes

- forfeited, disposition of 69.50.505
- seizure, disposition of 69.50.505

### Amphetamines, included in Schedule III 69.50.208

### Arrests, seizures incident to

- procedure 69.50.505

### Board, defined 69.50.101

### Boats and vessels

- forfeited, disposition of 69.50.505
- seizure, disposition of 69.50.505
- subject to seizure and forfeiture 69.50.505

### Chiropodist, defined as practitioner 69.50.101

### Codeine, certain amounts included in Schedule III 69.50.208

### Controlled substances

- defined 69.50.101

### Counterfeit substances, defined 69.50.101

### CONTR. SUBST., UNIFORM ACT—Cont.

#### Crimes relating to

- controlled substances
- motor vehicles 69.50.505

#### Criminal justice training account

- forfeiture and seizures
- proceeds 69.50.505

#### Definitions

- administer 69.50.101
- agent 69.50.101
- board 69.50.101
- controlled substances 69.50.101
- counterfeit substance 69.50.101
- deliver or delivery 69.50.101
- dispense 69.50.101
- dispenser 69.50.101
- distribute 69.50.101
- distributor 69.50.101
- drug 69.50.101
- drug enforcement administration 69.50.101
- executive officer 69.50.101
- immediate precursor 69.50.101
- manufacture 69.50.101
- marihuana 69.50.101
- narcotic drug 69.50.101
- opiate 69.50.101
- opium poppy 69.50.101
- person 69.50.101
- poppy straw 69.50.101
- practitioner 69.50.101
- production 69.50.101
- state 69.50.101
- ultimate user 69.50.101

#### Deliver

- defined 69.50.101

#### Delivery, defined 69.50.101

#### Dentist, defined as practitioner 69.50.101

#### Dispense

- defined 69.50.101

#### Dispenser

- defined 69.50.101

#### Distribute

- defined 69.50.101

#### Drug

- defined 69.50.101

#### Drug enforcement administration, defined 69.50.101

#### Executive officer, defined 69.50.101

#### Forfeitures

- aircraft 69.50.505
- boats 69.50.505
- drug paraphernalia 69.50.505
- exemptions
  - procedure 69.50.505
- moneys, negotiable instruments, securities
  - procedure 69.50.505
- motor vehicles
  - disposition of 69.50.505
- property
  - procedure 69.50.505
  - replevin prohibited 69.50.505
- vessels 69.50.505

#### Hallucinogenic substances, Schedule I 69.50.204

#### Hospital, defined as practitioner 69.50.101

#### Immediate precursor 69.50.101

#### Intangible property

- seizure
  - procedure 69.50.505

#### Lysergic acid diethylamide, included in Schedule I 69.50.204

#### Manufacture

- defined 69.50.101
- Marihuana
  - defined 69.50.101
  - included in Schedule I 69.50.204
- Mescaline, included in Schedule I 69.50.204

#### Moneys, negotiable instruments, securities

- forfeiture
  - procedure 69.50.505

## CONTR. SUBST., UNIFORM ACT

### CONTR. SUBST., UNIFORM ACT—Cont.

#### Motor vehicles

- crimes relating to 69.50.505
- subject to seizure and forfeiture
  - procedure 69.50.505

#### Narcotic drug, defined 69.50.101

#### Opiate, defined 69.50.101

#### Opiates, Schedule I 69.50.204

#### Opium derivatives, Schedule I 69.50.204

#### Opium poppy, defined 69.50.101

#### Osteopathic physician and surgeon, defined as practitioner 69.50.101

#### Person, defined 69.50.101

#### Peyote, included in Schedule I 69.50.204

#### Pharmacist, defined as practitioner 69.50.101

#### Pharmacy, state board of

- administration of chapter 69.50.201
- classification of substances 69.50.201

#### Pharmacy

- defined as practitioner 69.50.101

#### Physician and surgeon

- defined as practitioner 69.50.101

#### Poppy straw, defined 69.50.101

#### Practical nurse, licensed, defined as practitioner 69.50.101

#### Practitioner

- chiroprapist, defined as 69.50.101
- defined 69.50.101
- dentist, defined as 69.50.101
- hospital, defined as 69.50.101
- osteopathic physician and surgeon, defined as 69.50.101
- pharmacist, defined as 69.50.101
- pharmacy, defined as 69.50.101
- physician and surgeon, defined as 69.50.101
- practical nurse, licensed, defined as 69.50.101
- registered nurse, defined as 69.50.101
- veterinarian, defined as 69.50.101

#### Production

- defined 69.50.101

#### Property

- forfeited, disposition of
  - procedure 69.50.505
- intangible
  - seizure, disposition
    - procedure 69.50.505
- seized, not subject to replevin 69.50.505
- seizure, disposition of
  - procedure 69.50.505
- subject to seizure and forfeiture
  - procedure 69.50.505

#### Property or money, receipt of from U.S. attorney general, agencies authorized 43.17.150

#### Registered nurse, defined as practitioner 69.50.101

#### Registration

- revocation of
  - grounds for 69.50.304
- suspension of
  - grounds for 69.50.304

#### Replevin, forfeited property not subject to 69.50.505

#### Sale to minors, parent has cause of action 69.50.414

#### Schedule I

- substances included in 69.50.204

#### Schedule II

- substances included in 69.50.206

#### Schedule III

- substances included in 69.50.208

#### Schedule IV

- substances included in 69.50.210

#### Schedule V

- substances included in 69.50.212

#### Search and seizure

- property without warrant, certain instances
  - procedure 69.50.505

#### Seizure and forfeiture

- hearings 69.50.505

**CONTR. SUBST., UNIFORM ACT—Cont.**

Seizure and forfeiture—Cont.  
 money from sale  
     disposition of 69.50.505  
 Seizures  
     aircraft 69.50.505  
     boats 69.50.505  
     drug paraphernalia 69.50.505  
     exemptions 69.50.505  
     moneys, negotiable instruments, securities  
     procedure 69.50.505  
     motor vehicles  
     disposition of 69.50.505  
     property  
     procedure 69.50.505  
     replevin prohibited 69.50.505  
     vessels 69.50.505  
 State  
     defined 69.50.101  
 Ultimate user, defined 69.50.101  
 Vessels and boats  
     forfeited, disposition of 69.50.505  
     seizure, disposition of 69.50.505  
     subject to seizure and forfeiture 69.50.505

**CONVENTION AND TRADE FACILITIES**

State convention and trade center, Seattle  
 state convention and trade center account  
     subaccounts 67.40.040  
 state debt limitation  
     excludes certain debt relating to conven-  
     tion center 39.42.060

**CONVERSION**

Investment securities, no conversion by good  
 faith conduct 62A.8-318

**COOPERATIVE ASSOCIATIONS**

Agricultural  
     foreign corporations  
     certificate of authority 23A.32.050  
 Agricultural enabling act of 1955, cooperative  
     association, defined 15.66.010  
 Agricultural enabling act of 1961, cooperative  
     association, defined 15.65.020  
 Defined  
     agricultural enabling act of 1955 15.66.010  
     agricultural enabling act of 1961 15.65.020  
 Exclusion from nonprofit corporation act  
     24.03.015

**CORONERS**

Forensic pathology fellowship program  
     death investigations account disbursements  
     43.79.445  
 University of Washington forensic pathology  
     fellowship program  
     fellowship recipient available, when  
     28B.20.426

**CORPORAL PUNISHMENT**

Permissible force 9A.16.100

**CORPORATIONS**

Agent  
     registered  
     nonprofit corporations  
     consent 24.03.050  
     necessity 24.03.050  
     service of process on 23A.08.110  
 Agricultural cooperatives  
     foreign corporations  
     certificate of authority 23A.32.050  
 Agricultural organizations, nonprofit corpora-  
     tions, authorized 24.03.015  
 Amendment  
     articles of incorporation 23A.16.020  
     procedure 23A.16.020

**CORPORATIONS—Cont.**

Amendment—Cont.  
     certificate of authority 23A.32.130  
 An officer of the corporation  
     defined 23A.04.010  
     nonprofit corporations 24.03.005  
 Animal husbandry, nonprofit corporations,  
     authorized 24.03.015  
 Annual report  
     nonprofit corporations 24.03.395  
     filing 24.03.400  
 Appeal, secretary of state  
     nonprofit corporations 24.03.445  
 Appraisals, shares of dissenting stockholders,  
     procedure 23A.24.040  
 Articles of consolidation  
     nonprofit corporations, contents and filing  
     24.03.200  
 Articles of incorporation  
     amendment  
     changing rights of classes of shareholders  
     rights of dissenting shareholders  
     23A.24.040  
     nonprofit corporations 24.03.180  
     procedure 23A.16.020  
     nonprofit corporations 24.03.165  
     defined 23A.04.010  
     nonprofit corporations 24.03.005  
     effect of filing of  
     nonprofit corporations 24.03.150  
     restated articles 23A.16.075  
     restatement of  
     nonprofit corporations 24.03.183  
 Articles of merger  
     nonprofit corporations, contents and filing  
     24.03.200  
 Assets  
     liquidation, jurisdiction of court, nonprofit  
     corporations 24.03.265  
     sales, lease, exchange, or other disposition of  
     nonprofit corporations 24.03.215  
 Athletic associations, nonprofit corporations,  
     authorized 24.03.015  
 Authorized shares 23A.08.120  
     classes 23A.08.120  
     defined 23A.04.010  
 Benevolent corporations, nonprofit corpora-  
     tions, authorized 24.03.015  
 Board of directors, defined, nonprofit corpora-  
     tion 24.03.005  
 Business corporations  
     nonprofit professional service corporation  
     law 18.100.133  
 Bylaws  
     amendment, power of  
     nonprofit corporations 24.03.070  
     authority to make  
     nonprofit corporations 24.03.070  
     defined, nonprofit corporation 24.03.005  
 Certificate of authority  
     amendment of 23A.32.130  
     foreign corporations  
     application for, contents, nonprofit cor-  
     porations 24.03.325  
     application for 23A.32.050  
     filing  
     nonprofit corporations 24.03.330  
     conducting affairs without, nonprofit cor-  
     porations 24.03.390  
     contents, copies of documents 23A.32.050  
     nonprofit corporations 24.03.305  
     revocation, nonprofit corporations  
     24.03.380  
     revocation 23A.32.160  
 Certificate of consolidation  
     nonprofit corporations 24.03.205  
 Certificate of good standing  
     nonprofit corporation 24.03.330  
 Certificate of merger  
     nonprofit corporations 24.03.200

**CORPORATIONS—Cont.**

Certificate of revocation  
     foreign corporations 23A.32.170  
     issuance, nonprofit corporations 24.03.385  
 Certificates of stock  
     contents 23A.08.190  
     issuance 23A.08.190  
     lost or destroyed certificate 62A.8-405  
 Charitable corporations, nonprofit corpora-  
     tions, authorized 24.03.015  
 Civic corporations, nonprofit corporations,  
     authorized 24.03.015  
 Commencement of business  
     unlawful, liability of directors for  
     23A.08.450  
 Commercial organizations, nonprofit corpora-  
     tions, authorized 24.03.015  
 Committees  
     directors, executive and other committees  
     23A.08.400  
     nonprofit corporations 24.03.115  
 Conforms to law  
     defined 23A.04.010  
     nonprofit corporations 24.03.005  
 Consolidation  
     approval, nonprofit corporations 24.03.195  
     articles of consolidation  
     nonprofit corporations 24.03.200  
     dissenting shareholders  
     rights of 23A.24.040  
     foreign and domestic corporations  
     nonprofit corporation 24.03.207  
     nonprofit corporations 24.03.190  
     effective date 24.03.205  
 Cooperative associations  
     defined  
     under agricultural enabling act of 1955  
     15.66.010  
     under agricultural enabling act of 1961  
     15.65.020  
 Cooperative organizations, excluded from non-  
     profit corporation act 24.03.015  
 Corporations  
     defined 23A.04.010  
     nonprofit corporation 24.03.005  
 Cost, proceeding for valuation of shares of dis-  
     senting shareholders 23A.24.040  
 Crimes relating to  
     use of "bank" or "trust" in name of restrict-  
     ed 30.04.020  
 Cultural organizations, nonprofit corporations,  
     authorized 24.03.015  
 Definitions 23A.04.010  
 Directors  
     bylaws  
     authority to adopt or alter, limitations  
     upon  
     nonprofit corporations 24.03.070  
     delegation of authority, executive and other  
     committees 23A.08.400  
     executive and other committees 23A.08.400  
     liability  
     contribution by other directors, when  
     23A.08.450  
     reliance upon financial statement, effect  
     23A.08.450  
     shareholders, contribution, when  
     23A.08.450  
     liability for acts 23A.08.450  
     meetings  
     place and notice, nonprofit corporations  
     24.03.120  
     nonprofit corporations  
     election or appointment 24.03.100  
     number 24.03.100  
     number and elections or appointment  
     24.03.100  
     quorum 23A.08.390  
     nonprofit corporations 24.03.110  
     removal of 23A.08.380, 24.03.103

## CORPORATIONS—Cont.

Directors—Cont.  
 unlawful activities, effect of dissent on liability of 23A.08.450  
 vacancies  
   nonprofit corporations 24.03.105

Dissolution  
 decree of  
   filing  
     nonprofit corporation 24.03.295  
 nonprofit corporations  
   name 24.03.300  
   survival of remedy after  
     nonprofit corporations 24.03.300  
 voluntary  
   procedure  
     nonprofit corporations 24.03.220

Distributions  
 defined 23A.04.010  
 unlawful liability of directors for 23A.08.450

Dividends  
 married person, payment to 23A.08.310

Domestic  
 defined 23A.04.010  
 nonprofit corporation 24.03.005

Duplicate originals  
 defined 23A.04.010  
 nonprofit corporations 24.03.005

Educational corporations, nonprofit corporations, authorized 24.03.015

Effective date  
 defined 23A.04.010  
 nonprofit corporations 24.03.005  
 nonprofit corporation act 24.03.925

Eleemosynary corporations, nonprofit corporations, authorized 24.03.015

Exchange of shares  
 foreign with domestic  
   nonprofit corporation 24.03.207

Executed by an officer of the corporation  
 defined 23A.04.010  
 nonprofit corporations 24.03.005

Fees  
 filing documents  
   nonprofit corporations 24.03.405  
   secretary of state's fees 23A.40.020  
 foreign corporations  
   appointment of agent for service of process 23A.32.100  
   recording 23A.40.020  
   name registration  
     nonprofit corporations 24.03.047  
   registration of name 23A.08.070  
   secretary of state to charge and collect 23A.40.020

Filings  
 amended certificate of authority 23A.32.130  
 annual report  
   nonprofit corporations 24.03.400  
 application for  
   certificate of authority, foreign corporations 23A.32.050  
 articles of consolidation  
   nonprofit corporations 24.03.200  
 articles of merger  
   nonprofit corporations 24.03.200  
 certificate of authority  
   amendment to 23A.32.130  
 change of  
   registered office or registered agent  
     nonprofit corporations 24.03.055  
 county auditor, filing with  
   amendment, articles of incorporation  
     nonprofit corporations 24.03.055  
 decree of dissolution  
   nonprofit corporations 24.03.295  
 fees for  
   secretary of state 23A.40.020

## CORPORATIONS—Cont.

Filings—Cont.  
 foreign corporations  
   statement of shares, property, etc.  
     23A.32.050  
 incorporation  
   articles of incorporation  
     restated 23A.16.075  
 judgment by dissenting shareholders, prerequisite to rights 23A.24.040  
 name registration  
   nonprofit corporations 24.03.047  
 office, change of  
   nonprofit corporations 24.03.055  
 renewal of registered name 23A.08.080  
 restated articles of incorporation  
   23A.16.075  
 secretary of state, filing with  
   amended certificate of authority  
     23A.32.130  
 annual report  
   domestic and foreign nonprofit corporations 24.03.400  
 application for  
   certificate of authority, foreign corporations 23A.32.050  
 articles of consolidation  
   nonprofit corporations 24.03.200  
 articles of incorporation  
   restated 23A.16.075  
 articles of merger  
   nonprofit corporations 24.03.200  
 change of  
   registered agent or office  
     nonprofit corporations 24.03.055  
 fees for filing with secretary of state  
   nonprofit corporations 24.03.405  
 incorporation  
   restated articles 23A.16.075  
   restated articles of incorporation  
     23A.16.075

Foreign corporation, with a domestic merger, exchange, consolidation  
 nonprofit corporations 24.03.207

Foreign corporations  
 admission  
   nonprofit corporations 24.03.305  
 agricultural cooperative associations  
   certificate of authority 23A.32.050  
 annual license fee  
   notice by secretary of state 23A.32.160  
 annual report  
   notice by secretary of state 23A.32.160  
 certificate of authority  
   amendment 23A.32.130  
   application 23A.32.050  
   contents, nonprofit corporations  
     24.03.325  
   filing, nonprofit corporations 24.03.330  
   conducting affairs without, nonprofit corporations 24.03.390  
   requirement, nonprofit corporations  
     24.03.380  
   revocation of 23A.32.160  
     nonprofit corporations 24.03.380  
 certificate of revocation, issuance, nonprofit corporations 24.03.385  
 defined 23A.04.010  
   nonprofit corporation 24.03.005  
 "doing business within the state", defined  
   for purposes of applicability of law, nonprofit corporations 24.03.305

merger  
 nonprofit corporations 24.03.360

names  
 change of name  
   nonprofit corporations 24.03.320  
 nonprofit, reinstatement 24.03.386,  
 24.03.388

## CORPORATIONS—Cont.

Foreign corporations—Cont.  
 recording fees 23A.40.020  
 registered agent  
   change of 23A.32.090  
     nonprofit corporations 24.03.345  
 resignation of 23A.32.090  
 registered office  
   change of 23A.32.090  
     nonprofit corporations 24.03.345  
 revocation of certificate of authority  
   23A.32.160  
   certificate of revocation 23A.32.170  
   notice 23A.32.160  
 service of process and papers on  
   registered agent  
     change of 23A.32.090  
     failure to maintain, service on secretary  
       of state 23A.32.100  
     how service made 23A.32.100  
   secretary of state, when 23A.32.100  
 service on  
   nonprofit corporations 24.03.350  
 Fractions of a share, issuance of 23A.08.200

Fraternal organizations, nonprofit organizations, authorized 24.03.015

Health care services, nonprofit corporations 24.03.015

Horticultural, nonprofit corporations, authorized 24.03.015

Incorporators  
 nonprofit corporations 24.03.020

Industrial organizations, nonprofit corporations, authorized 24.03.015

Injunctions  
 prevention of further transfer for certificates  
   of stock 62A.8–315

Insolvent, defined  
 nonprofit corporation 24.03.005

Insurance organizations, excluded from application of nonprofit corporation act 24.03.015

Interest  
 payment of shares of dissenting holder  
   23A.24.040

Issuance of shares 23A.08.150

Joint tenancy  
 Transfer of shares of stock or other securities in joint tenancy form 23A.08.320

Labor unions, nonprofit corporations, excluded from act 24.03.015

Liabilities  
 directors  
   contribution by other directors, when  
     23A.08.450  
   for actions 23A.08.450  
   reliance upon financial statement, effect  
     23A.08.450  
   unlawful distributions 23A.08.450

Liquidation  
 jurisdiction of court, nonprofit corporations  
 24.03.265

Literary organizations, nonprofit corporations, authorized 24.03.015

Loans  
 unlawful, liability of directors for  
 23A.08.450

Meetings  
 board of directors, quorum 23A.08.390  
 conference calls 24.03.075  
 members  
   nonprofit corporations  
     special meetings 24.03.075  
     time and place 24.03.075  
 organizational meeting  
   nonprofit corporations 24.03.155  
 shareholders  
 adjournments 23A.08.250

## CORPORATIONS—Cont.

Meetings—Cont.  
 shareholders—Cont.  
 notices 23A.08.260  
 shareholders entitled to, closing of transfer books, fixing record dates 23A.08.270  
 special meetings 23A.08.250  
 times, place for 23A.08.250

Members  
 defined, nonprofit corporation 24.03.005  
 meeting  
 nonprofit corporations 24.03.075  
 nonprofit corporations, classes 24.03.065

Merger  
 approval, nonprofit corporations 24.03.195  
 articles of merger  
 nonprofit corporations 24.03.200  
 dissenting shareholders  
 rights of 23A.24.040  
 foreign and domestic corporations  
 nonprofit corporations 24.03.207  
 nonprofit corporations 24.03.185  
 effective date 24.03.205

Name  
 foreign corporation  
 nonprofit corporations  
 change 24.03.320  
 nonprofit corporations 24.03.045  
 dissolution 24.03.300  
 registration of 24.03.047  
 renewal of 24.03.048  
 registered 23A.08.070  
 registration 23A.08.070  
 use of "bank" or "trust" in name of restricted, penalty 30.04.020

Nonprofit corporations  
 agricultural 24.03.015  
 animal husbandry 24.03.015  
 annual report  
 filing 24.03.400  
 required 24.03.395  
 appeal from secretary of state 24.03.445  
 articles of incorporation  
 amendment 24.03.180  
 procedure 24.03.165  
 effect of filing 24.03.150  
 restatement of 24.03.183

assets  
 liquidation, jurisdiction of court 24.03.265  
 sale, lease, exchange, or other disposition 24.03.215

athletic 24.03.015  
 benevolent 24.03.015  
 certificate of authority, application, filing 24.03.330  
 certificate of good standing 24.03.330  
 certificate of merger 24.03.205  
 certificate of revocation, foreign corporations, issuance 24.03.385  
 charitable 24.03.015  
 civic 24.03.015  
 commercial 24.03.015  
 committees 24.03.115  
 foreign corporations  
 application for, contents 24.03.325  
 requirement 24.03.305  
 revocation 24.03.380

consolidation  
 approval 24.03.195  
 articles of consolidation 24.03.200  
 certificate of consolidation 24.03.200  
 procedure 24.03.190

cooperative organizations, excluded 24.03.015  
 cultural 24.03.015  
 definitions 24.03.005  
 directors  
 assent presumed if present at meeting 24.03.113

## CORPORATIONS—Cont.

Nonprofit corporations—Cont.  
 directors—Cont.  
 duties 24.03.127  
 meetings  
 place and notice 24.03.120  
 number and elections or appointment 24.03.100  
 quorum 24.03.110  
 vacancies 24.03.105  
 voting, sale, lease, exchange, or other disposition of assets 24.03.215

dissolution  
 administrative  
 grounds 24.03.302  
 procedure, notice 24.03.302  
 decree of dissolution, filing 24.03.295  
 liquidation, jurisdiction of court 24.03.265  
 name 24.03.300  
 survival of remedy 24.03.300  
 voluntary dissolution  
 procedure 24.03.220

educational 24.03.015  
 eleemosynary 24.03.015  
 fees  
 filing 24.03.405

filing  
 annual report 24.03.400  
 articles of consolidation 24.03.200  
 articles of merger 24.03.200  
 fees 24.03.405

foreign corporations  
 admission 24.03.305  
 certificate of authority  
 application, filing 24.03.330  
 application for, contents 24.03.325  
 conducting affairs without 24.03.390  
 requirement 24.03.305  
 revocation 24.03.380  
 certificate of revocation, issuance 24.03.385  
 merger 24.03.360  
 name  
 change 24.03.320  
 registered agent  
 change of 24.03.345  
 registered office  
 change of 24.03.345  
 reinstatement 24.03.386, 24.03.388  
 service on 24.03.350

fraternal 24.03.015  
 general powers 24.03.035  
 health care services 24.03.015  
 health or social welfare services, business and occupation tax deductions 82.04.431

horticultural organizations 24.03.015  
 incorporators 24.03.020  
 industrial 24.03.015  
 insurance organizations, excluded 24.03.015  
 labor unions, exempted 24.03.015  
 limitations 24.03.030

liquidation  
 jurisdiction of court 24.03.265  
 literary 24.03.015  
 meeting  
 organization meetings 24.03.155  
 time and place 24.03.075

members  
 classes 24.03.065  
 voting, sale, lease, exchange, or other disposition of assets 24.03.215

merger  
 approval 24.03.195  
 articles of merger 24.03.200  
 foreign corporations 24.03.360  
 procedure 24.03.185  
 mortgage and pledge of assets 24.03.217  
 name 24.03.045  
 foreign corporations, change of 24.03.320

## CORPORATIONS—Cont.

Nonprofit corporations—Cont.  
 name—Cont.  
 registration of 24.03.047  
 renewal of 24.03.048

officers  
 enumerated 24.03.125  
 organization meetings 24.03.155  
 patriotic 24.03.015  
 political 24.03.015  
 professional 24.03.015  
 property, sale, lease, exchange, or other disposition 24.03.215  
 purposes permitted 24.03.015  
 records 24.03.135  
 right of member or representative to inspect 24.03.135

registered agent  
 change of  
 filing 24.03.055  
 foreign corporations 24.03.345  
 consent of 24.03.050  
 necessity for 24.03.050

registered office  
 change of  
 filing 24.03.055  
 foreign corporations 24.03.345  
 necessity for 24.03.050

religious 24.03.015  
 sale, lease, exchange, or other disposition of property 24.03.217

scientific 24.03.015  
 secretary of state  
 appeal from 24.03.445  
 service of process 24.03.060  
 social 24.03.015  
 trade association 24.03.015  
 voluntary dissolution  
 procedure 24.03.220

voting  
 sale, lease, exchange or other disposition of assets 24.03.215

Not for profit corporation, defined 24.03.005

Notices  
 agent resignation  
 nonprofit corporation 24.03.055  
 directors' meetings  
 nonprofit corporations 24.03.120  
 dissenting shareholders, notice of proceeding for appraisal of shares 23A.24.040  
 failure to give, right of shareholder entitled to 23A.24.040  
 missing shareholders, representation, voting 23A.08.305  
 registered office change  
 nonprofit organization 24.03.055  
 revocation of certificate of authority 23A.32.160  
 nonprofit corporations 24.03.380  
 shareholders' meetings 23A.08.260  
 missing shareholders, representation, voting 23A.08.305  
 shareholders entitled to, closing of transfer books, fixing record date 23A.08.270

Office  
 change of, filings with secretary of state  
 nonprofit corporations 24.03.055  
 registered office  
 change of, statement of filing  
 nonprofit corporations 24.03.055  
 nonprofit corporations, necessity for 24.03.050

Officers  
 nonprofit corporations, enumerated 24.03.125  
 unemployment compensation, exemption, employer's discretion 50.04.165

## CORPORATIONS

### CORPORATIONS—Cont.

Patriotic corporations, nonprofit corporations, authorized 24.03.015

Penalties  
directors and officers  
nonprofit corporations 24.03.425  
imposed upon corporation 24.03.420  
nonprofit miscellaneous and mutual corporations 24.06.470

Political corporations, nonprofit corporations, authorized 24.03.015

Powers  
nonprofit corporations 24.03.035

Professional associations, nonprofit corporations, authorized 24.03.015

Professional service corporations  
application of uniform business corporation act and nonprofit corporation act 18.100.130  
authority to incorporate 18.100.050  
business corporations may conform with nonprofit corporation law 18.100.133  
nonprofit corporations, business corporations may conform with law 18.100.133  
nonprofit corporations authorized 18.100.050  
nonprofit corporations formed under prior law 18.100.132  
providing services to health maintenance organizations 18.100.050  
services deleted from original purpose amendment 18.100.134

Property  
sale, lease, exchange, or other disposition, nonprofit corporations 24.03.215

Proxy voting  
married person may give power of 23A.08.310

Public company  
defined 23A.04.010

Quorum, directors, nonprofit corporations 24.03.110

Records  
nonprofit corporations 24.03.135

Registered agent  
foreign corporation  
change of 23A.32.090  
nonprofit corporations 24.03.345  
necessity for  
nonprofit corporations 24.03.050  
nonprofit corporations  
consent of agent 24.03.050  
service of process  
failure to appoint or maintain, effect 23A.08.110

Registered name  
filing with the secretary of state 23A.08.070  
renewal of 23A.08.080  
times for filing 23A.08.080

Registered office  
foreign corporation, change of 23A.32.090  
nonprofit corporations 24.03.345  
necessity for  
nonprofit corporations 24.03.050  
nonprofit corporations, authorized 24.03.015

Registration of  
name 24.03.047  
renewal of 24.03.048

Reinstatement after revocation  
application for 23A.32.173  
fees 23A.32.176

Restated articles of incorporation  
secretary of state, filing with 23A.16.075

Revenue, department of  
voluntary dissolution  
notice of 24.03.220

Revocation  
application for reinstatement 23A.32.173  
fees 23A.32.176

### CORPORATIONS—Cont.

Scientific organizations  
nonprofit corporations, authorized 24.03.015

Secretary of state  
administrative dissolution notice 24.03.302  
appeal from  
nonprofit corporations 24.03.445  
certificate of revocation  
foreign corporations  
nonprofit corporations 24.03.385  
certificates issued by  
revocation, foreign corporations 23A.32.170

dissolution  
involuntary 23A.28.150–23A.28.240

notice  
agent resignation  
nonprofit corporation 24.03.055  
change of registered office or registered agent of  
foreign corporation 23A.32.090  
foreign nonprofit corporation 24.03.345  
revocation of certificate of authority  
nonprofit corporations 24.03.380  
service of process on  
nonprofit corporations 24.03.060  
restated articles, powers and duties 23A.16.075  
service of process on secretary of state  
foreign corporations 23A.32.100  
when 23A.08.110  
service on  
nonprofit corporations 24.03.350

Service of process and papers  
foreign corporations  
failure to maintain agent, service on secretary of state 23A.32.100  
generally 23A.32.100  
registered agent  
how process served 23A.32.100  
mail, when 23A.08.110  
nonprofit corporations 24.03.060  
registered agent 23A.08.110  
secretary of state  
foreign corporation failing to maintain agent in state 23A.32.100  
when 23A.08.110

Service on  
foreign corporations  
nonprofit corporations 24.03.350  
registered agent  
nonprofit corporations 24.03.350

Shareholders  
defined 23A.04.010  
dissenting  
rights on merger or consolidation 23A.24.040  
rights on sale, lease or exchange of assets 23A.24.040

meetings  
adjournments 23A.08.250  
annual, mandamus, writ 23A.08.250  
missing shareholders, representation, voting 23A.08.305  
notices 23A.08.260  
shareholders entitled to, closing of transfer books, fixing record date 23A.08.270  
removal of director 23A.08.380  
special meetings 23A.08.250  
times, place for 23A.08.250  
voting trust, agreements 23A.08.330

Shares  
authorized 23A.08.120  
classes 23A.08.120  
certificates of stock  
contents 23A.08.190  
issuance 23A.08.190  
lost or destroyed certificate 62A.8–405  
defined 23A.04.010

## CORRECTIONS, DEPARTMENT OF

### CORPORATIONS—Cont.

Shares—Cont.  
fractions of, issuance of 23A.08.200  
issuance of 23A.08.150  
issuance without certificates 23A.08.195  
nonprofit corporations, prohibited 24.03.030  
purchase of own shares contrary to Title 23A, liability of directors 23A.08.450  
scrip 23A.08.200  
transfers  
joint tenancy form 23A.08.320  
married person's shares 23A.08.310  
shares issued in joint tenancy form 23A.08.320  
voting trusts, agreements 23A.08.330

Social corporations, nonprofit corporations, authorized 24.03.015

Subscribers, defined 23A.04.010

Trade associations, nonprofit corporations, authorized 24.03.015

Vacancies, directors, nonprofit corporations 24.03.105

Voluntary dissolution  
procedure, nonprofit corporations 24.03.220

Voting  
dissenting  
rights of shareholder 23A.24.040  
shareholder demanding payment of shares 23A.24.040  
nonprofit corporations, sale, lease, exchange, or other disposition of assets 24.03.215  
proxy  
married person may give power of 23A.08.310

Voting trusts, agreements 23A.08.330

Warranties, stock transfer 62A.8–306

### CORRECTIONS, DEPARTMENT OF

Community service by offenders  
workers' compensation and liability insurance coverage 51.12.045

County use of state partial confinement facility  
reimbursement of state 9.94A.190

Health care purchased by state agencies  
alternative health care providers, agencies to identify 70.14.020  
drug purchasing cost controls, drug formularies 70.14.050  
health care information systems, agencies to establish 70.14.010  
review of prospective rate setting methods 70.14.040  
utilization review procedures, agencies to establish plan 70.14.030

Inmate work programs  
classification of industries 72.09.100  
commodities, plan for production and purchasing 72.09.102  
public purchase, agencies required, exceptions 43.19.534  
wages, distribution 72.09.110  
wages, portion to crime victims' compensation account 72.09.110

Mental patients' records  
disclosure 71.05.390

Offenders performing community service  
workers' compensation and liability insurance coverage 51.12.045

Physicians and surgeons, limited licenses for  
out-of-state licensees engaged with, duration 18.71.095

Reimbursement rates for county use of state facilities 9.94A.190

Secretary  
appointment of 43.17.020  
powers and duties 72.09.050

Sexual offender treatment programs  
legislative intent 9.94A.123

**CORRECTIONS, DEPARTMENT OF—**  
Cont.

Sexual psychopaths  
duties related to 71.06.091, 71.06.140  
Work release program  
secretary's powers, duties 72.65.100  
transportation, clothing, expenses of participants 72.65.090

**CORRECTIONS STANDARDS BOARD**

Jail improvement and construction bond issue, 1981  
operational costs payable from 70.48A.020  
proceeds  
administration of 70.48A.040  
Powers and duties 70.48.050  
State building code  
exception 19.27.060

**COSMETOLOGISTS, BARBERS, AND MANICURISTS ACT**

Professional service corporations Ch. 18.100  
Unemployment compensation  
certain exclusions 50.04.225

**COSTS**

Corporations  
merger or consolidation, dissenting shareholder 23A.24.040  
proceedings for valuation of shares of dissenting shareholders 23A.24.040  
Diking and drainage improvement districts  
initial construction 85.08.320

**COUNCIL FOR POSTSECONDARY EDUCATION (See HIGHER EDUCATION COORDINATING BOARD)****COUNCIL FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT**

Sunset act  
repeal 43.131.320  
termination 43.131.319

**COUNTIES**

Actions by county  
county commissioners, powers in regard to 36.32.120  
Agricultural fairs  
lease of  
county land for 36.34.145  
state-owned lands for 36.37.150  
Northern State Hospital, lands adjacent to 36.37.160  
Armories  
acquisition of site for 38.20.030  
authority 36.64.050  
Bonds  
official, See BONDS, subtitle Official  
Border counties  
sales at retail  
additional tax 82.04.2901  
Building codes  
state building code  
jails  
exceptions 19.27.060  
Buildings  
contractors, registration under  
prerequisite to issuance 18.27.110  
public, powers in regard to 36.32.120  
Capital outlay equipment, purchase and lease  
central services department, generally Ch. 36.92  
Community service by offenders  
workers' compensation and liability insurance coverage 51.12.045

**COUNTIES—Cont.**

Contracts  
competitive bidding  
tax revenue may be considered 39.30.040  
power, generally 36.01.010  
street improvements prerequisite to land development  
contract with land owner 35.72.010  
Corporate powers 36.01.010  
County property  
lease of  
agricultural fairs 36.34.145  
legislative authorities, powers in regard to 36.32.120  
Court houses  
legislative authorities, powers in regard to 36.32.120  
Criminal identification, See STATE PATROL, subtitle Identification and criminal history section  
Death investigations account  
created 43.79.445  
Debts  
public  
collection agency may be used 19.16.500  
Distressed areas  
investment projects, tax deferrals  
definitions 82.60.020  
tax deferral certificate 82.60.040  
Elections  
boards, combining 29.04.055  
precincts, combining or dividing 29.04.055  
special elections, time for 29.13.020  
times for holding  
lesser constituencies within 29.13.020  
Electricity, licenses, limitation on authority to regulate 19.28.120  
Emergency medical care and transportation services  
state preempts authority 18.73.020  
Energy facility site evaluation council, selection of member 80.50.030  
Family court  
joint family court services 26.12.230  
Fire fighting equipment, standardization Ch. 70.75  
Fire hydrants  
water companies may be required to maintain 80.28.250  
Fire regulations  
uniform fire code  
roadway provisions not adopted 19.27.060  
Firearms  
pistols, sale of, regulation of, prohibited 9.41.110  
Fiscal matters  
public depositaries  
qualified, depositaries must be 39.58.080  
Flood control  
benefits, liability for 86.09.529  
management plans  
department of ecology authority 86.26.050  
programs authorized 86.16.160  
Freeholders  
election of 29.21.330  
Hazardous materials incidents  
incident command agencies  
designation by 70.136.030  
Hazardous materials response teams  
fire protection districts may participate 52.12.140  
Hazardous waste management  
local governments  
designate zones 70.105.225, 70.105.230  
grants available 70.105.235  
pollution control hearings board to hear disputes 70.105.250  
preparation of local plans 70.105.220

**COUNTIES—Cont.**

Hazardous waste management—Cont.  
local governments—Cont.  
technical assistance from department 70.105.255  
Home rule charter  
local health officers 70.05.050  
administrative officer  
appointment 70.05.040  
Incorporation  
exempt from State Environmental Policy Act 36.93.170  
newly incorporated  
county may contract for essential services 35.02.225  
county to provide law and road services 35.02.220  
Incorporation of cities or towns  
roads, county, revert to city or town 35.02.180  
Indebtedness  
computation of indebtedness 39.36.030  
legislative authorities, powers in regard to 36.32.120  
Indeterminate sentence review board  
reimbursement of costs due to transfer of duties to courts 9.95.0012  
Insurance  
pools, liability insurance 48.62.040  
Insurance agents, excise or privilege taxes, state preemption 48.14.020  
Insurance companies, excise or privilege taxes, state preemption 48.14.020  
Intercounty incorporation  
duties and powers of county officers 35.02.230, 35.02.240  
Investments  
combining of money by units of local government 36.29.022  
Jails  
improvement and construction  
bond issue  
administered by state jail commission 70.48.280  
authorized, amount, purposes 70.48.260  
reimbursement rates for use of state facilities 9.94A.190  
state building code  
exception 19.27.060  
state financial assistance  
compliance certification 70.48.330  
Land use  
changes  
hearing examiner system 35.63.130  
comprehensive plans, required elements 36.70.330  
Legislative vacancies, multi-county districts 42.12.050, 42.12.060  
Liability insurance  
offenders performing community service 51.12.045  
Licenses  
county commissioners, powers in regard to 36.32.120  
pesticide applicators, authorized to issue 17.21.305  
Limitation of actions, application of statute of limitations to actions by 4.16.160  
Low-income housing  
loans and grants 36.32.415  
Medical examiner 68.08.107  
missing persons 68.08.355  
Motor vehicle fund  
allocation of proceeds from to 46.68.100  
Natural resources board membership 43.30.040  
Newly incorporated city or town  
county may contract for essential services 35.02.225



## COUNTIES

### COUNTIES—Cont.

Newly incorporated city or town—Cont.  
county to provide road and law enforcement services 35.02.220

Offenders performing community service workers' compensation and liability insurance coverage 51.12.045

Ordinances and resolutions  
legislative authorities  
adopt by resolution 36.32.120  
powers to make 36.32.120

Powers  
contract 36.01.010  
corporate 36.01.010  
sue and be sued 36.01.010

Powers and duties  
taxes 36.32.120

Public depositaries  
qualification 39.58.080

Public hospital districts  
generally Ch. 70.44

Public transportation systems  
sales and use tax for 82.14.045

Qualified public depositary, all deposits must be made with 39.58.080

Retail sales tax  
cities and counties  
authorized 82.14.030  
excepted from state preemption 82.02.020

Rewards  
authority, payment 10.85.030  
conflicting claims 10.85.040  
payment 10.85.050

Solid waste disposal  
contracts between counties and private vendors 36.58.040, 36.58.090  
processing and conversion, sale of products 36.58.040  
service agreements between counties and private parties 36.58.040, 36.58.090  
site designation 36.58.040  
system, establishment 36.58.040

Solid waste management  
comprehensive plan for, adoption 70.95.080

State-owned lands  
lease of  
agricultural fairs 36.37.150  
Northern State Hospital, lands adjacent to 36.37.160

Storm water control facilities  
rates and charges  
credit received for initiating improvements 90.03.510  
definitions 90.03.520  
public property subject to 36.89.085, 36.94.145  
state highway rights of way, with respect to 90.03.525

Street projects  
construction or improvements, prerequisite to property development  
alternative financing method 35.72.050

Superior court judges  
allocation of 2.08.065  
mandatory arbitration program, certain positions contingent on 2.08.067

Taxation  
insurance agents, state preemption 48.14.020  
insurance companies, state preemption 48.14.020  
legislative authorities, powers in regard to 36.32.120  
prepayment authorized 36.32.120  
road district taxes, payment to city street fund, when 35.02.140

Timber and forest lands  
timber assessed value  
defined 84.33.035

### COUNTIES—Cont.

Tuberculosis  
budget for  
control and prevention 70.32.010  
tuberculosis care and facilities 70.33.040

Vehicles  
confidential license plates 46.08.066

Violations of codes, civil violation subject to a monetary penalty 36.32.120

Workers' compensation  
offenders performing community service 51.12.045

World War II reparations  
municipal employees, redress 41.04.580–41.04.595

**COUNTY ASSESSORS**

Boats  
certification of assessment furnished by department of revenue 84.40.065

Historic properties  
special valuation for improvements  
application process 84.26.040, 84.26.050  
disqualification, penalties 84.26.090  
valuation duration, notice of disqualification 84.26.080  
valuation duration 84.26.070

**COUNTY AUDITORS**

Cities and towns  
city incorporation election, certification of 35.02.130

Defined 29.01.043

Elections  
mandatory dates for special city, town, or district elections 29.13.020  
registration records  
county auditor has custody 29.07.151

Industrial insurance, filing claims of 51.16.170

Logging liens, recording and indexing 60.24.075

Marriage licenses  
preservation of license applications 26.04.105

Mobile home movement permits  
property tax payment certificate 46.44.170

Port districts  
formation petition, duties 53.04.020

Voters' pamphlets  
local voters' pamphlets  
administrative rules to facilitate production 29.81A.030  
authorized 29.81A.010  
candidates, contents 29.81A.050  
contents 29.81A.040  
cost 29.81A.070  
mailing 29.81A.060  
measures, arguments pro and con, preparation 29.81A.080  
notice of publication and distribution 29.81A.020

**COUNTY COMMISSIONERS**

Actions and proceedings, powers in regard to 36.32.120

Board of  
duties, general enumeration 36.32.120  
powers, general enumeration 36.32.120  
vacancies 36.32.070

Cities and towns  
city incorporation election, incorporation order 35.02.120

County property  
powers in regard to 36.32.120  
General power, taxes 36.32.120

Ordinances and resolutions  
adopt by reference 36.32.120  
power to make 36.32.120

## CREDIT CARDS

### COUNTY COMMISSIONERS—Cont.

Port districts  
formation resolution 53.04.020

Powers and duties, taxes 36.32.120

Taxes  
powers in regard to 36.32.120  
prepayment authorized 36.32.120

### COUNTY LEGISLATIVE AUTHORITY

Duties, general enumeration 36.32.120  
Powers, general enumeration 36.32.120

### COUNTY PROSECUTING ATTORNEY

Compulsory school attendance law, prosecuting attorney to act under 28A.27.110

### COUNTY RAIL DISTRICTS

Alternative method of establishment, modification, or dissolution 36.60.100  
assumption of outstanding indebtedness 36.60.140  
determination of county legislative authority 36.60.130  
petition 36.60.110  
public hearing 36.60.120

### COUNTY ROADS AND BRIDGES

Legislative authorities  
powers in regard to 36.32.120

### COUNTY TREASURER

Fiscal agent for local government units 39.46.030  
School district treasurer, investment, reinvestment of school funds by 28A.58.440

### COURT HOUSES

Counties, legislative authorities, powers in regard to 36.32.120

### COURT OF APPEALS

Judges  
affidavit as prerequisite to salary warrant, filing with state auditor 2.06.062  
salary 2.06.062  
Salary of judges of the court 2.06.062

### COURTS

Assessment, public safety and education fines, forfeitures, or penalties except traffic infractions 3.62.090

Firearms  
forfeiture 9.41.098

Indeterminate sentence review board  
transfer of power to superior courts 9.95.0011

Joint family court services 26.12.230

Public safety and education assessment  
fines, forfeitures, or penalties except traffic infractions 3.62.090

### COURTS OF LIMITED JURISDICTION

Judges  
salaries 3.58.010

### COWS

Theft of 9A.56.080

### CREDIT BUREAUS

Business and occupation tax, charge or service as retail sale 82.04.050

### CREDIT CARDS

Retail installment contract  
interest rates, state treasurer to publish in register 63.14.135

**CREDIT SERVICES ORGANIZATION**

Contract  
 contents 19.134.060  
 information prerequisite 19.134.040  
 notice of cancellation 19.134.060  
 Damages, fees 19.134.080  
 Definitions 19.134.010  
 Enforcement 19.134.070  
 Information statement  
 contents 19.134.050  
 required 19.134.040  
 Prohibited conduct 19.134.020  
 Surety bond and trust account, exception to  
 requirement 19.134.030  
 Unfair business practice 19.134.070  
 Waiver of rights 19.134.070

**CREDIT UNIONS**

Directors  
 suspension by supervisor 31.12.575  
 Satellite facilities  
 authorized 30.43.010

**CREDITORS**

Commission merchants failure to pay consign-  
 or creditors  
 action on bond, settlement of claims  
 20.01.240  
 Farm labor contractors, surety bond for bene-  
 fit of creditors 19.30.040  
 Industrial insurance  
 lien for payments due, priority 51.16.160  
 lien for premium, penalty, priority  
 51.16.170

**CREDITS**

Fleet vehicles, proportional registration, credits  
 upon withdrawal of vehicles 46.85.160

**CREMATION**

Rule adoption 18.39.175

**CRIMES**

Advertising  
 accountancy, false advertising 18.04.380  
 "bank" or "trust", use of restricted to banks  
 and trust companies 30.04.020  
 physical therapy violations 18.74.090  
 Animals  
 bulls on open range 16.20.030  
 bulls running at large 16.20.020  
 Assessment, public safety and education  
 fines, forfeitures, or penalties except traffic  
 infractions 3.62.090  
 Attorney general  
 investigation and prosecution, concurrent  
 authority, costs 43.10.232  
 Banks  
 acquisition or control, application, notice  
 requirements, violations of 30.04.405  
 advertising, use of "bank" or "trust" re-  
 stricted to banks and trust companies  
 30.04.020  
 examinations  
 violation of confidentiality 30.04.075  
 loans  
 commission or gratuity for procuring  
 30.12.110  
 use of word "bank" restricted to banks and  
 trust companies 30.04.020  
 Bigamy  
 limitation of actions 9A.04.080  
 Boilers and pressure vessels, operating without  
 inspection 70.79.320  
 Bugging private conversations 9.73.030  
 Charitable solicitations, violations 19.09.275  
 Children  
 permissible discipline 9A.16.100

**CRIMES—Cont.**

Commission brokers and merchants 20.01.460  
 Communication with a minor for immoral  
 purposes 9.68A.090  
 Communications  
 intercepting private  
 bugging 9.73.030  
 consent 9.73.030  
 exceptions, when permitted 9.73.030,  
 9.73.090  
 recording 9.73.030  
 wiretaps 9.73.030  
 Compensation of victims of crimes 7.68.060,  
 7.68.080, 7.68.160  
 Corporations, relating to  
 use of "bank" or "trust" in name of restrict-  
 ed, penalty 30.04.020  
 Criminal identification, See STATE PA-  
 TROL, subtitle Identification and criminal  
 history section  
 Criminal justice information act, See CRIMI-  
 NAL JUSTICE INFORMATION ACT  
 Criminal justice training account  
 moneys  
 proceeds from forfeiture and seizure  
 69.50.505  
 Deadly force  
 defined 9A.16.010  
 justifiable, when 9A.16.040  
 Defenses  
 force, use of, when lawful 9A.16.020  
 Driving while under the influence of intoxicat-  
 ing liquor or drugs  
 what constitutes 46.61.502  
 Electrical installation violations 19.28.350  
 Evidence  
 refusal of blood alcohol content test is ad-  
 missible 46.61.517  
 False fire alarms 9.40.100  
 Fire  
 suspected criminal, origin, report to depart-  
 ment of community development  
 48.05.320  
 Fire alarms  
 false 9.40.100  
 molesting 9.40.100  
 tampering with 9.40.100  
 Firearms  
 forfeiture 9.41.098  
 Force, use of, when lawful 9A.16.020  
 Fraud  
 commission merchants 20.01.460  
 Fraud in  
 sporting contests 67.24.010  
 Gambling  
 cause any person to violate  
 gambling rule or regulation 9.46.185  
 Hostage or barricade situation  
 telecommunications may be intercepted  
 9.73.030  
 Identification, See STATE PATROL, subtitle  
 Identification and criminal history section  
 Industrial insurance  
 books, refusal of inspection 51.48.040  
 inspection of payrolls, records, effect of re-  
 fusals 51.48.040  
 Littering, highways 46.61.655  
 Minors  
 employment  
 minimum ages, penalty 28A.27.010  
 Motor vehicles  
 certificate of ownership and license registra-  
 tion  
 failure to report transfer, penalty  
 46.12.101  
 transfer, seller liability limited, procedure  
 46.12.102  
 chains, studded tires, failing to use when re-  
 quired by highway commission  
 46.37.420

**CRIMES—Cont.**

Motor vehicles—Cont.  
 driving while under the influence of intoxi-  
 cating liquor or drugs 46.61.502  
 intoxication, penalty for failure to take  
 blood or breath tests for intoxication  
 46.20.308  
 physical control of, while under the influ-  
 ence of liquor, drugs 46.61.504  
 Necessary, defined for Washington Criminal  
 Code 9A.16.010  
 Odometers, tampering with  
 exemptions 46.37.550–46.37.570  
 replacement of 46.37.590  
 Off-road and nonhighway vehicles  
 operating violations 46.09.130  
 Physical control of motor vehicle while under  
 the influence of liquor, drugs 46.61.504  
 Pistols, uniform act  
 forfeiture 9.41.098  
 Privacy, violating right to 9.73.030  
 Public assistance fraud  
 limitation of actions 9A.04.080  
 Public safety and education assessment  
 fines, forfeitures, or penalties except traffic  
 infractions 3.62.090  
 Rape  
 statutory rape  
 first degree 9A.44.070  
 Reckless burning 76.04.710, 76.04.740  
 Records  
 criminal  
 privacy act 10.97.120  
 Registered nurse license violations 18.88.270  
 Sex offenses  
 abduction, See WASHINGTON CRIMI-  
 NAL CODE, subtitle Abduction  
 defined 71.06.010  
 duty of witness to report attempts and of-  
 fenses 9.69.100  
 prostitution (See also CRIMES, subtitle  
 Prostitution)  
 defined 9A.88.030  
 sexual conduct, defined 9A.88.030  
 rape, See CRIMES, subtitle Rape  
 recodification  
 construction 9A.44.901  
 direction 9A.44.900  
 effective date 9A.44.902  
 seduction, See SEDUCTION  
 unlawful display of sexually explicit materi-  
 als 9.68.130  
 Shopping cart theft  
 definitions 9A.56.010  
 Theft  
 shopping carts  
 definitions 9A.56.010  
 Trust companies  
 advertising  
 use of "bank" or "trust" restricted to  
 banks or trust companies, penalty  
 30.04.020  
 "bank" or "banking", use of word restricted  
 to banks and trust companies, penalty  
 30.04.020  
 examinations, violation of confidentiality  
 30.04.075  
 loans  
 commission or gratuity for procuring  
 30.12.110  
 Vehicle dealers 46.70.021  
 licenses, conviction, grounds for denial, re-  
 vocation 46.70.041  
 Vehicle dealers and manufacturers 46.70.170,  
 46.70.180  
 licenses, conviction, grounds for denial, re-  
 vocation 46.70.101  
 Victims of  
 compensation 7.68.060, 7.68.080, 7.68.160

**CRIMES—Cont.**

Video and sound recordings, use by police, fire, and certain emergency response personnel 9.73.090

**CRIMINAL HISTORY**

Criminal justice information act, See CRIMINAL JUSTICE INFORMATION ACT

**CRIMINAL IDENTIFICATION** (See STATE PATROL, subtitle Identification and criminal history section)

**CRIMINAL JUSTICE TRAINING COMMISSION**

Criminal justice training account moneys proceeds from forfeiture and seizure 69.50.505

**CRIMINAL MISTREATMENT**

Defense, financial inability 9A.42.050  
Defined 9A.42.010  
First degree 9A.42.020  
Second degree 9A.42.030  
Withdrawal of life support systems not applicable to chapter 9A.42.040

**CRIMINAL OFFENDER RECORD INFORMATION** (See CRIMINAL JUSTICE INFORMATION ACT, subtitle Criminal offender record information)

**CRIMINAL PROCEDURE**

Anticipatory offenses 9.94A.410

Bail  
forfeiture  
judgment against principal and sureties, execution 10.19.090  
Bail bond forfeiture  
judgment against principal and sureties, execution 10.19.090  
sureties  
liability 10.19.150  
return of bond 10.19.140  
surrender of person under bond 10.19.160  
Compensation of victims of crimes 7.68.060, 7.68.080, 7.68.160

Criminal identification, See STATE PATROL, subtitle Identification and criminal history section

Criminal justice information act, See CRIMINAL JUSTICE INFORMATION ACT

**Defenses**

force, use of, when lawful 9A.16.020  
Force, use of, when lawful 9A.16.020

**Forfeitures**

bail  
judgment against principal and sureties, execution 10.19.090  
sureties  
liability 10.19.150  
return of bond 10.19.140  
surrender of person under bond 10.19.160

Identification, See STATE PATROL, subtitle Identification and criminal history section

Legal holidays, magistrates' exercise of power on 2.28.100

**Limitations of criminal actions**

arson, no limitation if death ensues 9A.04.080  
crimes in general 9A.04.080  
crimes punishable by imprisonment in state correctional institutions 9A.04.080  
gross misdemeanor 9A.04.080

**CRIMINAL PROCEDURE—Cont.**

Limitations of criminal actions—Cont.  
indecent liberties, children, minors 9A.04.080

leading organized crime 9A.04.080  
murder, no limitation 9A.04.080  
public assistance fraud 9A.04.080  
public officer in breach of duty or violation of oath 9A.04.080  
racketeering 9A.04.080  
statutory rape, first degree, second degree 9A.04.080  
tolling of 9A.04.080

Murder, aggravated first degree  
death penalty, methods of execution 10.95.180

Police investigations 9.94A.440

**Probation and parole**

probation  
restitution, condition of, parole officer to ascertain 9.95.210  
probationer assessments 9.94A.270  
Prosecuting standards 9.94A.310  
evidentiary sufficiency  
decisions to prosecute 9.94A.440  
police investigation 9.94A.440

**Recognizance**

forfeiture  
judgment against principal and sureties, execution 10.19.090

**Rewards**

county, city, town, or port  
authority to offer 10.85.030  
conflicting claims 10.85.040  
payment, warrant for 10.85.050

**Sentences**

anticipatory offenses 9.94A.410  
confinement in state or county facility determined by length of term 9.94A.190  
consecutive, concurrent 9.94A.120, 9.94A.400  
departure from guidelines 9.94A.390  
exceptional 9.94A.120  
first time offenders 9.94A.120  
minimum 9.94A.120  
offender score 9.94A.330, 9.94A.360  
presumptive sentencing range 9.94A.370, 9.94A.410  
restitution 9.94A.120  
sentencing grid 9.94A.310  
sentencing hearing 9.94A.110  
seriousness level 9.94A.320

**Sentencing guidelines commission report**

anticipatory offenses 9.94A.410  
consecutive or concurrent sentences 9.94A.400  
departure from guidelines 9.94A.390  
offender score 9.94A.330, 9.94A.360  
presumptive sentencing range 9.94A.370, 9.94A.410  
prosecuting standards 9.94A.310  
evidentiary sufficiency  
decisions to prosecute 9.94A.440  
police investigation 9.94A.440  
sentencing grid 9.94A.310  
seriousness level 9.94A.320

Sexual exploitation of children  
defenses 9.68A.110

**Verdicts**

deadly weapon, special verdict as to whether accused armed with 9.95.015

**Victim impact statement**

sentencing hearing 9.94A.110

Victims of crimes, compensation 7.68.060, 7.68.080, 7.68.160

**CRIMINAL PROFITEERING ACT** (See PROFITEERING)

**CRIMINAL TRESPASS**

Defenses 9A.52.090

**CULTURAL ARTS, STADIUM AND CONVENTION DISTRICTS**

Property tax excess levies authorized 84.52.052

**CULTURAL ORGANIZATIONS**

Nonprofit corporations, authorized 24.03.015

**CUSTODY**

Children  
mediation, confidentiality 26.09.015  
Industrial insurance  
children, temporary total disabilities 51.32.090  
temporary total disabilities, children 51.32.090

**DAIRIES AND DAIRY PRODUCTS**

Liens 60.13.035

**DAMAGES**

Actions for  
professional negligence 4.16.350  
Industrial insurance  
employee's action for against third party 51.24.030  
injury  
defined 51.24.030  
Real property  
improvements to 4.16.300  
limitations on 4.16.310  
negligence, agreement to indemnify for, against public policy 4.24.115

**DAMS**

Construction or modification  
plans and specifications must be approved by fisheries and game directors, penalty, abatement as public nuisance 75.20.100  
Hydraulic permits  
approval of, not unreasonably withheld 75.20.100  
violations, civil penalties 75.20.106

**DANGEROUS WEAPONS** (See also DEADLY WEAPONS)

Slung shot, use of prohibited 9.41.250  
Switch blade knives, use or possession of prohibited 9.41.250

**DAY CARE**

Self-insurance  
contracts, terms 48.90.120  
costs of investigation, review 48.90.170  
dissolution 48.90.140  
modifications to plan 48.90.130  
recovery limits 48.90.150  
suspension of plan, reconsideration 48.90.160

**DAY CARE CENTER**

Insurance, joint underwriting association  
definitions 48.88.020  
intent 48.88.010  
membership 48.88.040  
plan, approval 48.88.030  
policy, liability limits, rating plan 48.88.050  
report to legislature 48.88.060  
rules 48.88.070

**Self-insurance**

annual report 48.90.100  
approval of plan 48.90.060  
authority, plan 48.90.030

## DAY CARE CENTER

### DAY CARE CENTER—Cont.

Self-insurance—Cont.  
chapter exclusive 48.90.040  
contributing trust fund 48.90.070, 48.90.090  
definitions 48.90.020  
elements of plan 48.90.050  
findings and intent 48.90.010  
implementation of plan 48.90.080  
powers of association 48.90.110

### DAY CARE—STATE AGENCIES

Legislative findings 41.04.385

### DEADLY FORCE

Defined 9A.16.010  
Justifiable, when 9A.16.040

### DEADLY WEAPONS (See also DANGEROUS WEAPONS)

Correctional institutions, possession of by person not a prisoner, penalty 9.94.043  
Defined  
for Washington Criminal Code 9A.04.110  
Possession of  
in correctional institutions, prohibited, posting of notice required 9.94.047  
person not a prisoner in correctional institution, penalty 9.94.043  
prisoner in penal institution, penalty 9.94.040  
prohibition, correctional institution, defined 9.94.049  
Special verdict establishing if accused armed with 9.95.015

### DEATH

Criminal mistreatment  
withdrawal of life support systems not applicable to chapter 9A.42.040  
Death investigations account  
created 43.79.445  
forensic pathology fellowship program, disbursements 43.79.445  
Death investigations council 68.08.107  
Forensic pathology fellowship program  
death investigations account disbursements 43.79.445

### DEBTS AND DEBTORS

Bank or trust company, writing off of bad debts, when 30.04.130

### DECALS

Disabled persons, special decals for vehicles of, parking privilege 46.16.381

### DECISIONS

Industrial insurance  
modification before appeals, effect 51.52.060  
reversal before appeal, effect 51.52.060

### DECLARATION CONCERNING VALIDITY OF A MARRIAGE

Custody of children  
mediation, confidentiality 26.09.015  
Custody proceeding  
mediation, confidentiality 26.09.015

### DEFENSES

Bigamy 9A.64.010  
Criminal mistreatment  
defense, financial inability 9A.42.050  
Criminal proceedings  
necessary, defined 9A.16.010  
Criminal trespass 9A.52.090  
Deadly force  
defined 9A.16.010

### DEFENSES—Cont.

Force, use of, when lawful 9A.16.020  
Justifiable homicide by public officer 9A.16.040  
Motor vehicles  
control of while under the influence of liquor, drugs 46.61.504  
Sexual exploitation of children 9.68A.110

### DENIALS

Licenses  
deficiency in surety bond as grounds for revocation 46.70.070  
Vehicle dealers' license  
deficiency in surety bond as grounds for revocation 46.70.070

### DENTAL DISCIPLINARY BOARD ACT

Board  
rule-making authority 18.32.640  
Definitions 18.32.520  
Short title 18.32.500  
Uniform disciplinary act 18.32.039  
Unprofessional conduct 18.32.530

### DENTISTRY

Advertising, names of dentists to be listed 18.32.360  
Advertising falsely prohibited 18.32.290  
Dental hygienist  
uniform disciplinary act 18.29.076  
Penalties for violations 18.32.390  
Professional negligence  
limitation on suits arising from 4.16.350  
Records, requirements for keeping 18.32.085  
Unprofessional conduct 18.32.530

### DEPENDENT ADULTS

Abuse of  
report  
by whom made 26.44.030  
central registry of reported cases, to be kept by department of social and health services 26.44.070  
death, injury, sexual abuse  
report to prosecuting attorney 26.44.030  
records of abuse, confidential and privileged, availability 26.44.070  
violations of confidentiality, penalty 26.44.070  
Criminal mistreatment  
defense, financial inability 9A.42.050  
defined 9A.42.010  
first degree 9A.42.020  
second degree 9A.42.030  
withdrawal of life support systems not applicable to chapter 9A.42.040  
Immunity for those reporting abuse 74.34.050  
Protection of  
department may seek relief 74.34.150  
judicial relief 74.34.130  
legislative findings 74.34.100  
petition for protective order 74.34.110  
hearing on 74.34.120  
petition of protection order  
execution of 74.34.140  
proceedings are supplemental 74.34.160  
services of department are discretionary 74.34.170  
Reports by professionals of abuse, exploitation, neglect, or abandonment  
response to, etc. 74.34.030–74.34.050

### DEVELOPMENT LOAN FUND COMMITTEE (See COMMUNITY DEVELOPMENT, DEPARTMENT OF, subtitle Washington state development loan fund committee)

## DIKING AND DRAINAGE

Diking districts  
annexation, consolidation 85.05.605  
fiscal matters  
warrants  
presentation for endorsement 85.05.360  
reorganization—1917 Act  
bonds, refunding  
authority for 85.20.070  
sale and issuance 85.20.120  
reorganization—1933 Act  
bonds, refunding  
authority 85.22.060  
special assessment bonds 85.05.355  
Diversion or storage of water, hydraulic permits, review of 75.20.050  
Drainage districts  
annexation, consolidation 86.05.545  
fiscal matters  
warrants  
presentation for indorsement 85.06.330  
indebtedness  
extinguishing prior, exclusive method 85.32.140  
reorganization—1917 Act  
bonds, refunding  
authority for 85.20.070  
sale and issuance 85.20.120  
reorganization—1933 Act  
bonds, refunding  
authority 85.22.060  
special assessment bonds 85.06.255, 85.32.140  
warrants of  
presentation for indorsement 85.06.330  
Improvement districts  
annexation, consolidation 85.08.895  
bond issues and warrants  
maintenance assessments 85.16.030  
temporary 85.08.320  
construction  
costs of 85.08.320  
costs  
initial construction 85.08.320  
creation  
damages, warrants for 85.08.210  
excess and extraordinary expenditures  
authorizing 85.16.180  
maintenance costs  
excess expenditures  
generally 85.16.030  
officers and employees, compensation 85.08.320  
special assessment bonds 85.08.285  
supervisors  
compensation 85.08.320  
warrants  
excess and extraordinary expenditures 85.16.180  
Intercounty districts  
annexation, consolidation 85.24.025  
assessments 85.24.160  
special assessment bonds 85.24.235  
Powers of special districts  
annexation, consolidation 85.36.050  
budget adoption  
methods 85.36.025  
general authority 85.36.005  
special assessment bonds 85.36.040  
special assessments  
methods 85.36.025  
Special districts  
annexation of contiguous territory 85.38.200

## DIKING AND DRAINAGE

### DIKING AND DRAINAGE—Cont.

Special districts—Cont.  
consolidation of contiguous districts 85.38.210  
construction of improvements 85.38.190  
special assessment bonds  
authorized 85.38.230  
guaranty fund 85.38.250  
issuance, terms 85.38.240  
issued prior to July 1, 1986 85.38.270  
refunding 85.38.260  
suspension of operations 85.38.220  
uniform procedures for creation and operation  
definitions 85.38.010  
governing board 85.38.070

### DISABLED PERSONS

Motor vehicles  
drivers' license restrictions 46.20.041  
licenses, special decals and card for, parking  
privilege 46.16.381  
Park passes, camping 43.51.055

### DISCLOSURE

Bank examination reports and information 30.04.075

### DISCOVERY

Bank examination reports and information 30.04.075

### DISCRIMINATION

Industrial insurance, medical aid 51.04.030

### DISORDERLY CONDUCT

First class cities, providing for punishment 35.22.280

### DISPUTE RESOLUTION CENTERS

Board of directors  
liability 7.75.100  
Liability  
board of directors 7.75.100

### DISSOLUTION

Corporations  
nonprofit corporations  
generally 24.03.220, 24.03.265, 24.03.295,  
24.03.300

### DISSOLUTION OF MARRIAGE

Children  
custody, See DISSOLUTION OF MARRIAGE, subtitle Custody proceeding  
Custody of children (See also DISSOLUTION OF MARRIAGE, subtitle Custody proceeding)  
mediation, confidentiality 26.09.015  
Custody proceeding  
mediation, confidentiality 26.09.015

### DISTRESSED AREAS

Investment projects, sales and use tax deferrals  
definitions 82.60.020  
tax deferral certificate 82.60.040

### DISTRICT COURTS

Assessment, public safety and education  
fines, forfeitures, or penalties except traffic  
infractions 3.62.090  
Costs  
additional, public safety and education assessment 3.62.090

### DISTRICT COURTS—Cont.

District judge  
salary reductions for absences  
exceptions 3.34.130  
District judge pro tempore  
designation of, salary 3.34.130  
Fines  
penalties, forfeitures, and costs collected by  
district courts  
deposit with county treasurer 10.82.070  
Public safety and education assessment  
additional assessments 3.62.090  
fines, forfeitures, or penalties except traffic  
infractions 3.62.090

### DISTRICTS

Elections  
times for holding 29.13.020

### DIVIDENDS

Banks  
net profits, restricted to 30.04.180  
suspension of payment by supervisor, when  
30.04.180  
when may be declared 30.04.180

### DMSO

Prescription, administration, permitted 70.54.190

### DOGS

Cities and towns  
third class, licensing 35.24.290  
towns, licensing 35.27.370  
Firefighters  
notice 48.48.150  
Guard animals  
registration 48.48.150  
License of  
cities and towns, third class cities 35.24.290

### DOMESTIC VIOLENCE

Definitions 10.99.020

### DONATIONS

Anatomical donations  
identification of potential donors, procedures 68.08.650, 68.08.660

### DRIVERS' TRAINING (See MOTOR VEHICLES, subtitle Drivers' training schools)

### DRUG PARAPHERNALIA

Seizure and forfeiture  
procedure 69.50.505

### DRUG TREATMENT CENTERS

Certification  
annual renewal 69.54.030  
application for 69.54.030  
approval 69.54.030  
denial, revocation or suspension 69.54.030  
qualifications for 69.54.030  
required 69.54.030  
Secretary, powers and duties as to 69.54.030

### DRUGLESS HEALING

Definitions 18.36.010  
"separate and coordinate system", defined 18.36.020  
Examinations  
contents 18.36.040  
fees 18.36.050  
qualifications 18.36.040, 18.36.050  
regulation and conduct of 18.36.050  
Health regulations, compliance with 18.36.130

## EARLY CHILDHOOD ASSISTANCE

### DRUGLESS HEALING—Cont.

Licenses  
exemptions 18.36.030  
fee 18.36.040  
forms of certificates 18.36.060  
qualifications for 18.36.040  
required 18.36.040  
Uniform disciplinary act 18.36.136  
Venipuncture  
study by legislative budget committee 18.36.010

### DRUGS

Boat operation while under the influence 88.02.095  
Breach of duty imposed by statute, ordinance or rule  
negligence per se 5.40.050  
Controlled substances, sale to minor, parent has cause of action 69.50.414  
DMSO  
prescription, administration permitted 70.54.190  
Drunk driving  
personal injury, contributory fault 5.40.060  
wrongful death, contributory fault 5.40.060  
Generic drugs and brand name drugs  
brand name if requested 69.41.130  
legislative declaration 69.41.100  
Laetrile  
physician's immunity from prescribing or administering 70.54.150  
Legend drugs—Prescription drugs  
savings in price to be passed on to purchaser when and if substituted 69.41.130  
substitution of  
permitted, when 69.41.130  
savings in price to be passed on to purchaser 69.41.130  
Motor vehicles  
driving while under the influence of, what constitutes 46.61.502  
physical control of, under the influence of 46.61.504  
Personal injury  
defense, contributory fault 5.40.060  
Sale of controlled substances to minor, parent has cause of action 69.50.414  
Uniform controlled substances act  
property or money, receipt of from U.S. attorney general, agencies authorized 43.17.150  
Wrongful death  
defense, contributory fault 5.40.060

### DRUNK DRIVING

Breach of duty imposed by statute, ordinance or rule  
negligence per se 5.40.050  
Personal injury  
defense, contributory fault 5.40.060  
Wrongful death  
defense, contributory fault 5.40.060

### DWELLING

Defined, for Washington Criminal Code 9A.04.110

### EARLY CHILDHOOD ASSISTANCE

Preschools  
advisory committee 28A.34A.050,  
28A.34A.100  
definitions 28A.34A.020  
department of community development to administer program 28A.34A.030  
eligibility, funding, applicant requirements 28A.34A.040  
gifts, grants, support 28A.34A.110

**EARLY CHILDHOOD ASSISTANCE—**

Cont.  
 Preschools—Cont.  
 governor's report to legislature 28A.34A.080  
 intent 28A.34A.010  
 review and designation of programs  
 28A.34A.070  
 rules 28A.34A.060  
 state support, funding levels 28A.34A.090

**EARNINGS AND PROFITS**

Industrial insurance, temporary total disability  
 loss of earnings required 51.32.090  
 wages received during 51.32.090

**EASEMENTS**

Solar energy systems  
 definitions 35.63.015, 36.70.025  
 sunlight access protection 35.63.080

**EASTERN STATE HOSPITAL**

Sexual offender treatment programs  
 legislative intent 9.94A.123

**EASTERN WASHINGTON UNIVERSITY**

Off-campus facilities, lease or purchase  
 higher education coordinating board to approve 28B.10.020

**ECOLOGY, DEPARTMENT OF**

Director  
 appointment of 43.17.020  
 energy facility site evaluation council member 80.50.030  
 Emergency recovery operations from Mt. St. Helens eruption  
 exempted from certain requirements, when 90.58.500  
 Federal low-level radioactive waste policy amendments of 1985, implementation 43.200.180  
 Flood control  
 state participation in maintenance duties of department 86.26.040, 86.26.050, 86.26.100  
 Hazardous waste disposal  
 hazardous materials incidents  
 incident command agencies  
 designation by 70.136.030  
 PCB waste 70.105.105  
 standards and regulations, adoption of 70.105.020  
 Hazardous waste management  
 local governments  
 grants available 70.105.235  
 pollution control hearings board to hear disputes 70.105.250  
 technical assistance from department 70.105.255  
 local governments to  
 designate zones 70.105.225  
 prepare local plans 70.105.220  
 treatment facilities  
 permits, rules 70.105.215  
 Hazardous waste regulation  
 annual fee for  
 utilizing or operating sites generating wastes  
 review 70.105A.070  
 Hydraulic permits  
 approval of, not unreasonably withheld 75.20.100  
 review period, scope 75.20.050  
 violations, civil penalties 75.20.106  
 Radioactive waste management  
 federal low-level radioactive waste policy amendments of 1985, implementation 43.200.180

**ECOLOGY, DEPARTMENT OF—Cont.**

Radioactive waste management—Cont.  
 Hanford low-level radioactive waste disposal facility  
 site closure and perpetual care 43.200.190  
 liability requirements 43.200.200, 43.200.210  
 transporting, shipping, storage of low-level waste  
 review of damage potential, liability coverage 43.200.200  
 Radioactive waste regulation  
 powers and duties of director 43.200.080  
 rules 43.200.070  
 site selection and review  
 high-level waste 43.200.140  
 Water resources  
 diversion or storage of water permits, food fish and game fish must be provided for 75.20.050

**ECONOMIC AND REVENUE FORECAST COUNCIL**

Economic and revenue forecasts work group  
 created 82.01.135  
 Supervisor  
 approval of council required 82.01.120  
 Work group created 82.01.135

**ECONOMIC DEVELOPMENT**

Distressed areas  
 investment projects, tax deferrals  
 definitions 82.60.020  
 tax deferral certificate 82.60.040  
 First source contracts  
 definitions 50.64.020  
 employee training period  
 benefits 50.64.050  
 financial incentives 50.64.060  
 encouraged 50.64.030  
 financial incentives 50.64.040  
 legislative findings 50.64.010  
 Investment projects in distressed areas, tax deferrals  
 definitions 82.60.020  
 tax deferral certificate 82.60.040  
 Manufacturing, research, and development projects, tax deferrals  
 definitions 82.61.010  
 Washington state development loan fund committee  
 applications 43.168.050  
 entitlement communities, grants 43.168.100

**EDUCATIONAL CORPORATIONS**

Nonprofit corporations, authorized 24.03.015

**EDUCATIONAL EMPLOYMENT RELATIONS ACT**

Collective bargaining  
 limitations 41.59.935

**EDUCATIONAL SERVICE DISTRICTS**

Attendance officers under compulsory attendance law, appointment 28A.27.040  
 Schools and school districts  
 basic education allocation  
 amount school districts entitled to 28A.41.130  
 Superintendent  
 attendance officer under compulsory attendance law, superintendent as 28A.27.040

**ELECTIONS**

Absentee voting  
 application for  
 procedure 29.36.010  
 hospital patients 29.36.010

**ELECTIONS—Cont.**

Absentee voting—Cont.  
 ongoing status for disabled, blind, or elderly status criteria 29.36.013  
 termination every other year with renewal option 29.36.016  
 persons authorized 29.36.010  
 Annexation—alternate method, cities 35.10.217  
 Ballots  
 cities and towns  
 city incorporation  
 candidates 35.02.086  
 wording 35.02.110  
 order of candidates 29.18.022  
 polling places  
 deposit after voting, procedure 29.51.110  
 port district formation 53.04.020  
 voting machines  
 sample diagrams 29.30.450  
 Cities and towns  
 city incorporation  
 conduct of election 35.02.090  
 qualification of voters 35.02.090  
 declarations of candidacy, first, second, third, and fourth class cities 29.21.060  
 first class cities  
 general and special, power 35.22.280  
 general municipal  
 city incorporation election, effect on 35.02.130  
 date of 35.02.130  
 nonpartisan primaries  
 first, second, third, and fourth class cities  
 declarations of candidacy 29.21.060  
 precincts  
 combining or dividing 29.04.055  
 second class cities  
 general power 35.23.440  
 times for holding 29.13.020, 29.13.020, 29.13.020  
 county auditor, mandatory dates 29.13.020  
 generally 29.13.020  
 Conduct of  
 cities and towns, counties and districts 29.13.020  
 consolidated election laws 29.13.020  
 in counties 29.13.020, 29.13.020  
 Consolidated election laws 29.13.020  
 Counties  
 precincts, combining or dividing 29.04.055  
 sewer districts  
 times for holding 29.13.020  
 County auditor  
 mandatory dates for special city, town, or district elections 29.13.020  
 special elections, call for 29.13.020  
 Declaration of candidacy  
 filing by mail 29.18.045  
 filing period 29.18.025  
 nonpartisan primaries  
 cities of first, second, third, and fourth class 29.21.060  
 district elections 29.21.060  
 Election board  
 combining 29.04.055  
 defined 29.01.055  
 Electors and voters  
 deposit of ballot after voting 29.51.110  
 registration  
 identification necessary, when, items accepted 29.07.065  
 Expenses  
 reimbursement of costs, interest to be paid by secretary of state 29.13.048  
 Ferry districts, times for holding 29.13.020  
 Filings  
 declarations of candidacy  
 cities of first, second, third, and fourth class 29.21.060

## ELECTIONS

### ELECTIONS—Cont.

- General elections
  - ballots
    - voting machines
    - sample diagrams 29.30.450
  - paper ballots
    - arrangement of instructions, measures, offices, candidate order 29.30.081
  - voting devices
    - ballot cards, numbering 29.34.125
    - ballot pages, contents, arrangement of 29.34.125
    - ballot requirements 29.30.310
- General municipal incorporation election, effect 35.02.130
- Identification, registration, items acceptable 29.07.065
- Paper ballots
  - arrangement of instructions, measures, offices, candidate order 29.30.081
  - general elections
    - arrangement of instructions, measures, offices, candidate order 29.30.081
  - primary elections
    - form and requisites 29.30.010
    - sample paper ballots 29.30.060
- Polling places
  - ballots
    - deposit after voting, procedure 29.51.110
    - voters and voting
      - deposit of ballot after voting 29.51.110
- Port districts
  - declarations of candidacy 29.21.060
- Precincts
  - adjustment of boundary if city annexes county territory 29.04.040
  - combining or dividing for county, city and town and district elections 29.04.055
  - creating new precincts, requirements and limitations 29.04.040
  - division into two or more 29.04.040
  - election board
    - defined 29.01.055
    - maximum number of voters 29.04.040
    - petition for creation of new precinct 29.04.040
    - voting machine, voting devices, number required 29.04.040
- Primaries
  - nonpartisan
    - cities of first class
      - declarations of candidacy 29.21.060
    - cities of fourth class
      - declarations of candidacy 29.21.060
    - cities of second class
      - declarations of candidacy 29.21.060
    - cities of third class
      - declarations of candidacy 29.21.060
    - districts, declarations of candidacy 29.21.060
    - port districts, declaration of candidacy 29.21.060
    - public utility districts, declaration of candidacy 29.21.060
    - school districts
      - first class, declarations of candidacy 29.21.060
    - towns
      - declarations of candidacy 29.21.060
  - paper ballots
    - form and requisites 29.30.010
    - sample paper ballots 29.30.060
  - voting devices
    - ballot requirements 29.30.310
  - voting machines
    - ballots
      - sample diagrams 29.30.450
- Public utility districts
  - declaration of candidacy 29.21.060

### ELECTIONS—Cont.

- Registration
  - age, proof of, items acceptable 29.07.065
  - identification necessary, when, items accepted 29.07.065
  - records
    - county auditor has custody 29.07.151
  - requirements for 29.07.065
  - transfer of
    - on election day 29.10.170
- Schools and school districts
  - directors
    - oath of office 28A.57.322
  - nonpartisan primaries
    - declarations of candidacy 29.21.060
    - first class school districts, declaration of candidacy 29.21.060
    - times for holding 29.13.020, 29.13.020
- Sewer districts
  - commissioners 56.12.030
- Special elections
  - voting devices
    - ballot
      - requirements 29.30.310
- Times for holding
  - airport districts 29.13.020
  - cemetery districts 29.13.020
  - cities and towns 29.13.020
    - county auditor, mandatory dates for 29.13.020
    - generally 29.13.020
    - special elections 29.13.020
  - consolidated election laws 29.13.020
  - counties
    - generally 29.13.020
    - lesser constituencies within 29.13.020
  - diking and drainage districts 29.13.020
  - ferry districts 29.13.020
  - fire districts 29.13.020
  - hospital districts 29.13.020
  - park districts 29.13.020
  - port districts 29.13.020
  - public utility districts 29.13.020
  - reclamation districts 29.13.020
  - river improvement districts 29.13.020
  - schools and school districts 29.13.020
    - generally 29.13.020
  - sewer districts 29.13.020
  - special elections
    - cities and towns and school districts, governing authorities may call, mandatory dates 29.13.020
    - county auditor, mandatory dates for cities and towns and districts 29.13.020
  - water districts 29.13.020
- Voters and voting
  - deposit of ballot after voting 29.51.110
- Voters' pamphlets
  - combining with candidates' pamphlet
  - political process and involvement information, placement of 29.80.090
- Voting devices
  - ballot requirements 29.30.310
  - sample ballots 29.30.350
- Voting devices and vote tallying systems
  - ballot cards
    - numbering 29.34.125
  - ballot pages, contents arrangement of 29.34.125
- Voting machines
  - ballots
    - sample diagrams 29.30.450
  - instructions to
    - inspectors and judges in use of compensation 29.33.220

### ELECTRICAL CONTRACTORS

- Certification by examination 19.28.125

## ELECTRICITY

### ELECTRICAL CONTRACTORS—Cont.

- Definitions 19.28.005
- Electrical examiners, board of
  - classification of specialty electrical contractors 19.28.123
  - qualifying examination, administration 19.28.123
- License
  - general and specialty 19.28.120
  - obtained by firm's administrator by examination 19.28.125
- ELECTRICIANS**
- Certificate of competency
  - annual renewal fee 19.28.550
  - effect of 19.28.550
  - examination for
    - certification of results 19.28.540
    - contents 19.28.540
    - fees 19.28.540
    - times for 19.28.540
  - exemptions from, when 19.28.610
  - issuance of 19.28.550
  - violations of provisions, schedule of penalties, appeal 19.28.620
- Electrical examiners, board of
  - advice on need for additional inspectors and compliance officers 19.28.123
  - meetings 19.28.123
  - membership 19.28.123
  - travel expenses and compensation 19.28.123
- Journeyman electrician
  - certificate of competency
    - annual renewal fee 19.28.550
    - effect of 19.28.550
    - examination for
      - contents 19.28.540
      - fees 19.28.540
      - times for 19.28.540
    - issuance of 19.28.550
    - temporary permits 19.28.570
- Licenses for contractors
  - administrator examination 19.28.125
- bonds
  - cash deposit in lieu 19.28.120
  - conditions, actions on, limitation 19.28.120
  - cash deposit
    - in lieu of bond, permitted 19.28.120
    - exclusive jurisdiction of state 19.28.120
    - fees 19.28.120
    - general and specialty contractors 19.28.120
    - required 19.28.120
- Permits, temporary 19.28.570
- Specialty electrician
  - certificate of competency
    - annual renewal fee 19.28.550
    - effect of 19.28.550
    - examination for
      - contents 19.28.540
      - fees 19.28.540
      - times for 19.28.540
    - issuance of 19.28.550
- Temporary permits 19.28.570
- ELECTRICITY**
- Board of electrical examiners
  - revocation or suspension of license, appeals to 19.28.310
- Cities and towns
  - chapter inapplicable to cities and towns having ordinances, when 19.28.360
  - electrical inspectors 19.28.070
  - enforcement powers 19.28.070
  - higher standards may be imposed 19.28.010
  - permits not permitted to nonlicensees 19.28.190

## ELECTRICITY

### ELECTRICITY—Cont.

- Cities and towns—Cont.
  - RCW 19.28.210 inapplicable within city or town or service area where equal or higher standards enforced, when 19.28.360
- Electrical advisory board definitions 19.28.005
- Hazardous waste disposal
  - PCB waste 70.105.105
- Inspections
  - electrical inspectors 19.28.070
- Installation
  - general requirements 19.28.010, 19.28.060
- Labor and industries
  - adoption of standards 19.28.060
  - electrical inspectors 19.28.070
  - enforcement duties 19.28.070
- Licenses for contractors
  - revocation or suspension
    - appeals 19.28.310
    - grounds 19.28.310
- Licenses for installers
  - bonds
    - conditions, actions on, limitation 19.28.180
  - cash deposit
    - execution on, payment by director 19.28.180, 19.28.190
- Low-income energy assistance
  - termination of utility heating service city-owned utility 35.21.300
  - limitation 54.16.285, 80.28.010
  - report to legislature 54.16.286, 80.28.011
- National electrical code, applicable when 19.28.010
- Rights of way of state highways
  - chapter inapplicable to, provided department of transportation requires equal or higher standards 19.28.360
- Termination of utility heating service
  - city procedure 35.21.300
  - limitations 35.21.300, 54.16.285, 80.28.010
  - report to legislature 54.16.286, 80.28.011
- Violations, schedule of penalties, appeal 19.28.350
- Water works piping, connection with, permission required 19.28.010

### ELEEMOSYNARY ORGANIZATIONS

- Nonprofit corporations, authorized 24.03.015

### EMERGENCIES

- Telephone services
  - accessibility from all phones 43.17.230

### EMERGENCY MANAGEMENT

- Aid, federal or private, acceptance authorized 38.52.100
- Civil service employees
  - status while on duty with emergency management organizations 38.52.140
- Claims arising from emergency management related activities
  - assigned claims, prosecution of 38.52.300
  - claims not necessitating board meeting 38.52.220
  - consideration, adjustment, etc., by director, effect 38.52.207
  - contents 38.52.205
  - election where injury caused by person not on emergency management duties 38.52.300
  - filing of 38.52.205
- Classification of emergency workers 38.52.310
- Commandeering persons and equipment for service 38.52.110
- Communications coordinating committee
  - appointment of 38.52.030

### EMERGENCY MANAGEMENT—Cont.

- Communications coordinating committee—Cont.
  - composition 38.52.030
  - powers 38.52.030
- Compensation for injuries or death of emergency management worker
  - act exclusive remedy 38.52.190
  - additional benefits 38.52.340, 38.52.350
  - appeals 38.52.330
  - appeals from board authorized 38.52.250
  - authorized, when 38.52.260
  - compensation boards
    - cities and towns 38.52.210
    - claim information 38.52.250
    - counties 38.52.210
    - majority vote necessary 38.52.250
    - maximum payments, schedule of furnished by department 38.52.320
    - meetings 38.52.220
    - powers and duties 38.52.230, 38.52.240
    - quorum 38.52.250
  - expenditures, authorized 38.52.330
  - federal aid
    - forfeiture prevented 38.52.380
    - medical, surgical or hospital treatment effect 38.52.360
    - reimbursement for 38.52.370
    - reduction of state benefits 38.52.350
  - liability of state and political subdivisions 38.52.200
  - medical, surgical or hospital treatment by 38.52.360
  - minors 38.52.270
  - payment
    - funds for 38.52.280
    - maximum amount 38.52.290
  - workers' compensation act, applicability of 38.52.290
- Comprehensive emergency management plan development 38.52.030
  - local organization plans to be coordinated with plans and programs of state 38.52.070
  - submittal to legislature 38.52.035
- Comprehensive state mine rescue plan
  - submittal to legislature 38.52.037
- Contracts or work on cost basis 38.52.390
- Cooperation with federal government, other state governments, and private agencies by governor through director 38.52.050
- Coordinator of
  - metropolitan or regional area, appointment of 38.52.050
  - search and rescue, appointment and duties of 38.52.030
- Council
  - created 38.52.040
  - duties 38.52.040
    - compensation applications 38.52.240
  - local organization's plans referred to, when 38.52.070
  - members 38.52.040
- Coverage of emergency workers 38.52.310
- Declaration of purpose 38.52.020
- Definitions 38.52.010
- Delegation of authority by governor through director 38.52.050
- Department of community development to administer emergency management program 38.52.005
- Director
  - energy facility site evaluation council member 80.50.030
- Disaster, defined 38.52.010
- Disasters, state of emergency, See STATE OF EMERGENCY
- Employees
  - liability 38.52.180
  - pension, etc., rights preserved 38.52.180

## EMERGENCY MANAGEMENT

### EMERGENCY MANAGEMENT—Cont.

- Employees—Cont.
  - political subdivisions
    - rights and immunities of 38.52.080
  - professional, etc., license not required, when 38.52.180
- Existing services and facilities, utilization of 38.52.110
- Federally owned area, plan applicable to 38.52.170
- Funds, matching of, emergency management organization may require 38.52.160
- Governor
  - aid, federal or private, may accept 38.52.100
  - existing services and facilities, utilization of 38.52.110
  - powers and duties through director 38.52.050
- Impressment of citizenry into service 38.52.110
- Interstate civil defense and disaster compact 38.52.090
- Interstate mutual aid compact 38.52.090
- Liability for loss or injury
  - exemption from while providing construction, equipment or work 38.52.195
  - owners of buildings or premises designated shelters 38.52.180
  - state assumes, when 38.52.180
- Local organization
  - aid, acceptance of, authorized 38.52.100
  - compensation for injuries or death of emergency management worker
    - compensation boards 38.52.210
  - director
    - appointment of 38.52.070
    - mutual aid arrangements for emergency management, may enter into 38.52.090
  - employees of political subdivisions, rights and immunities of 38.52.080
  - establishment of plan for 38.52.070
  - existing services and facilities, utilization of 38.52.110
  - joint operation of 38.52.070
    - director 38.52.070
    - emergency management fund 38.52.070
  - name change authorized 38.52.005
  - powers upon occurrence of disaster 38.52.070
- Matching of funds, may be required 38.52.160
- Mine rescue or recovery work, emergency care, rescue, assistance or recovery services, immunity from liability 38.52.198
- Minors, entitled to compensation benefits 38.52.270
- Mutual aid arrangements with
  - other states and territories, or provinces of the Dominion of Canada by governor through director 38.52.050
  - political subdivisions of this state by governor through director 38.52.050
- Nuclear attack 38.52.170
- Operational control, governor may assume in event of a disaster beyond local control 38.52.050
- Political activity prohibited 38.52.120
- Political subdivisions
  - aid, acceptance of, authorized 38.52.100
  - aid rendered to other subdivision or out of state, by
    - expenses and losses borne by government receiving aid 38.52.080
  - appropriations, may make 38.52.100
  - employees
    - defined 38.52.080
    - rights and immunities of 38.52.080
  - funds, matching of, emergency management organization may require 38.52.160



## EMERGENCY MANAGEMENT

### EMERGENCY MANAGEMENT—Cont.

Political subdivisions—Cont.  
powers of in event of disaster 38.52.070  
services and facilities, existing, utilization of 38.52.110  
Public disorders, state of emergency, See STATE OF EMERGENCY  
Registration of emergency workers 38.52.310  
Rules and regulations  
adoption of 38.52.310  
emergency management organizations, rules available for inspection 38.52.150  
enforcement 38.52.150  
governor may make 38.52.050  
Search and rescue activities  
defined 38.52.010  
funds, distribution of, for compensation and reimbursement of volunteers 38.52.410  
powers and duties of local officials 38.52.400  
State coordinator for radioactive and hazardous waste emergency response programs 38.52.030  
State coordinator of search and rescue  
appointment of 38.52.030  
coordination and liaison of political subdivisions 38.52.030  
powers and duties 38.52.030  
State departments and agencies to cooperate with emergency management organizations 38.52.110  
State of emergency, See STATE OF EMERGENCY  
State program for emergency assistance, preparation and administration of 38.52.030  
Studies and surveys of industries, resources, and facilities 38.52.030  
Supervision and control of department by governor through director 38.52.050  
Violations 38.52.150

### EMERGENCY MEDICAL CARE AND TRANSPORTATION SERVICES

Collective bargaining  
advanced life support technicians 41.56.495  
Emergency medical services committee  
physician's trained mobile intravenous therapy technician, airway management technician, and mobile intensive care paramedic, duties as to 18.71.205  
sunset act  
repeal 43.131.304  
termination 43.131.303  
Optical strobe lights  
restricted use 46.37.190  
Supersedes local ordinances, regulations, requirements, fees 18.73.020  
Uniformed personnel  
advanced life support technicians 41.56.495

### EMERGENCY VEHICLES

Sirens, whistles or bells for 46.37.380

### EMINENT DOMAIN

Cities and towns  
first class cities, general power 35.22.280  
second class cities  
power of 35.23.440

### EMPLOYMENT

Compulsory school attendance  
violations 28A.27.100  
Worker and community right to know fund  
assessments 49.70.170  
disbursements 49.70.175  
penalties 49.70.177

### EMPLOYMENT PARTNERSHIP PROGRAM

Annual report to legislature 50.63.100  
Created, goals 50.63.020  
Employer eligibility, conditions 50.63.040  
Federal funds to be sought by the department of social and health services 50.63.090  
Grants, diversion to worker-owned businesses 50.63.050  
Legislative findings 50.63.010  
Pilot projects 50.63.030  
Program participants  
benefits and salary not to be diminished 50.63.070  
classification under job training law 50.63.080  
eligibility for assistance programs 50.63.060

### EMPLOYMENT SECURITY DEPARTMENT

Business license center  
master licensing system  
scope, goals 19.02.038  
Commissioner  
community economic revitalization board  
membership on 43.160.030, 43.160.035  
Community revitalization team  
employment security, department of, duties 43.165.090  
Conservation corps  
duties 43.220.060  
Creation 50.08.010  
Displaced homemaker program, cooperation in agency reporting 28B.04.080  
Divisions established 50.08.020  
Interagency agreement  
job skills program 28C.04.440  
Inventions  
disclosure at time of employment 49.44.150  
Job skills program  
duties 28C.04.450  
participants deemed to be in training 28C.04.480  
Migrant labor housing  
Yakima county project  
operation contract authority 70.114.020  
Minimum wage laws, duty of commissioner to notify employers 49.46.140  
Occupational information service and forecast  
criteria 50.38.020  
intent 50.38.010  
other agencies consulted 50.38.030  
Records, privacy, access Ch. 50.13  
Unemployment compensation benefits for persons who were temporarily totally disabled Ch. 50.06  
Vocational rehabilitation  
job placement services 51.32.095  
Vocational rehabilitation services made available to 74.29.037  
Youth employment and conservation act, See UNEMPLOYMENT COMPENSATION, subtitle Youth employment and conservation act

### ENDORSEMENT

Charitable solicitation and fundraising  
conditions 19.09.230

### ENERGY

Audits  
state facilities  
definitions 43.19.670  
implementation plan 43.19.680  
lease terms 43.19.685  
requirement, completion dates 43.19.675  
Conservation  
renewable resource production, public utility  
tax deduction 82.16.055

## ENVIRONMENTAL HEARINGS OFFICE

### ENERGY—Cont.

Conservation measures in state buildings  
budget process 43.41.170  
energy consumption data supplied by energy office 43.41.175  
private investment 43.19.680  
Low-income energy assistance  
termination of utility heating service  
city-owned utility 35.21.300  
limitation 54.16.285, 80.28.010  
report to legislature 54.16.286, 80.28.011  
Private investment in energy conservation  
measures for state buildings 43.19.680  
State energy office  
energy consumption data to be supplied to office of financial management 43.41.175  
State facilities  
private investment in conservation measures 43.19.680  
Termination of utility heating service  
city procedure 35.21.300  
limitations 35.21.300, 54.16.285, 80.28.010  
report to legislature 54.16.286, 80.28.011

### ENERGY FACILITIES (Formerly THERMAL POWER PLANTS)

Site location  
energy facility site evaluation council  
chairman 80.50.030  
created 80.50.030  
members 80.50.030

### ENGINEERS AND LAND SURVEYORS

Board of registration  
appointment 18.43.030  
expenses and compensation 18.43.030  
investigations, procedure 18.43.035  
membership 18.43.030  
powers and duties 18.43.035  
qualifications of members 18.43.030  
quorum 18.43.035  
removal 18.43.030  
report to governor 18.43.035  
roster of registered professional engineers and land surveyors 18.43.035  
subpoena power 18.43.035  
terms of office 18.43.030  
vacancies 18.43.030  
Causes of action arising on services of 4.16.300  
limitation on 4.16.310  
Certificates of authorization  
excepted services 18.43.130  
Fines, reprimands, grounds 18.43.110  
Professional service corporations  
authorized 18.100.050  
nonprofit corporations authorized 18.100.050  
Registration  
revocation of 18.43.110  
suspension of 18.43.110  
Reprimands, fines, grounds 18.43.110  
Roster of registered professional engineers and land surveyors 18.43.035  
Violations  
penalties 18.43.120

### ENVIRONMENT

State environmental policy  
incorporation proceedings  
cities, counties 36.93.170

### ENVIRONMENTAL HEARINGS OFFICE

Composition 43.21B.005  
Created 43.21B.005  
Staff 43.21B.005

## EQUIPMENT

### EQUIPMENT

Fire fighting, standardization Ch. 70.75

### ESCROW

Business and occupation tax, charge or service as retail sale 82.04.050

### ESTATES

Tax, uniform estate tax apportionment act action by nonresident, reciprocity 83.110.080  
allowance for exemption, deductions, and credits 83.110.050  
apportionment 83.110.020  
procedure 83.110.030  
apportionment between temporary and remainder interests prohibited 83.110.060  
collection 83.110.040  
coordination with federal law 83.110.090  
definitions 83.110.010  
recovery of tax, exoneration of fiduciary 83.110.070

### EVIDENCE

Admissibility of  
bank examination reports and information 30.04.075  
Bank examination reports  
admissibility of 30.04.075  
Blood alcohol content test  
refusal is admissible evidence 46.61.517  
Breach of duty imposed by statute, ordinance or rule  
negligence per se 5.40.050  
Electronic devices  
video and sound recordings, use of police, fire, and certain emergency response personnel, when authorized 9.73.090  
Implied consent law, motor vehicle operation, intoxication, tests for 46.61.506  
Industrial insurance  
payroll certificate when payments delinquent 51.16.170  
Insurance  
policies, cancellation of 48.18.290  
Intercepted private conversations  
video and sound recordings, use of police, fire, and certain emergency response personnel, when authorized 9.73.090  
Intoxicating liquor  
driving under influence of, implied consent law 46.61.506  
Mental illness  
patients' records confidential 71.05.390  
Motor vehicles  
intoxicating liquor, driving under influence of  
admissibility 46.61.506  
implied consent 46.20.308  
Negligence per se  
breach of duty imposed by statute, ordinance or rule 5.40.050  
Privileged communications  
attorney and client 5.60.060  
clergyman, confessions to 5.60.060  
consent to disclosure by witness 5.60.060  
husband and wife 5.60.060  
criminal proceeding against husband or wife for crime against child when spouse is parent or guardian, privilege does not apply 5.60.060  
physician and patient 5.60.060  
judicial proceeding regarding child's injuries, neglect or sexual abuse, privilege does not apply 5.60.060  
physicians or surgeons 5.60.060  
public officers 5.60.060

### EXAMINATIONS

Electrical contractors 19.28.123  
Electricians  
certificate of competency 19.28.540  
Industrial insurance, records, compelling production before department 51.04.040  
Pesticide application  
applicator 17.21.090  
operator 17.21.120

### EXCAVATIONS

Agreements to indemnify for negligence related to, against public policy 4.24.115

### EXCELLENCE IN EDUCATION

Award program  
Christa McAuliffe award for teachers 28A.03.526  
established 28A.03.523  
grant in lieu of waiver of tuition and fees 28A.03.535  
rules 28A.03.532  
school districts  
directors  
award for 28A.03.529  
educational grant to recipients upon written application 28A.03.538  
superintendent  
award for 28A.03.529  
educational grant to recipients upon written application 28A.03.538  
Tuition waiver for teachers and principals 28B.15.547

### EXECUTIONS

State, judgments against satisfied without execution 4.92.040

### EXEMPTIONS

Boiler and pressure vessel laws, from 70.79.080  
Property taxes  
ships, boats, vessels 84.36.080

### EXPENSES AND PER DIEM

Electrical inspectors, state 19.28.070  
License revocation committee 43.24.110  
Travel expenses  
electrical examiners, board of 19.28.123  
electrical inspectors, state 19.28.070

### EXPLOSIVES

Motor vehicles for transportation of explosives, flammable liquids or compressed gases operating while carrying flares, fuses or signals produced by flame prohibited 46.37.440  
operating without electric lanterns or portable reflectors 46.37.440

### EXPORT TRADING COMPANIES

Authority to establish, business plan to be adopted 53.31.030  
Confidentiality of records supplied by private individuals 53.31.050  
Definitions 53.31.020  
Dissolution 53.31.040  
Federal certificate of review authorized 53.31.060  
Formation 53.31.040  
Legislative findings 53.31.010  
Powers 53.31.040

### EXPORTING AND IMPORTING

Agricultural market development programs  
department of agriculture, powers and duties 43.23.035

## FEES

### EXPORTING AND IMPORTING—Cont.

Commodity marketing  
market development programs  
department of agriculture, powers and duties 43.23.035  
Trade information services 43.31.059  
Washington products, expansion of market, pamphlet 43.31.057

### FAIRS

Lease of  
county property to nonprofit corporations for 36.34.145  
state-owned lands for 36.37.150  
Northern State Hospital, lands adjacent to 36.37.160

### FALSE REPRESENTATIONS

Commission merchants 20.01.460

### FAMILY COURT

Joint family court services 26.12.230

### FARM LABOR CONTRACTORS

Civil actions  
procedure 19.30.170  
Civil penalties  
procedure 19.30.160  
Licenses  
duration, renewal 19.30.081  
Surety bond or other security 19.30.040  
claim for wages, action upon 19.30.045

### FARMS AND FARMING

Motor vehicles  
licensing, rates 46.16.090  
operating under farm vehicle license, in violation of limitations thereon 46.16.090

### FEDERAL

History, schools to teach 28A.05.010  
Intercounty incorporation  
authority to deal with 35.02.250  
utility services 35.02.250

### FEES

Commission merchants'  
disposition 20.01.130  
Corporations  
foreign corporations  
appointment of agent for service of process 23A.32.100  
recording 23A.40.020  
recording, additional 23A.40.020  
secretary of state  
nonprofit corporations 24.03.405  
Electricians' licensing fees 19.28.120  
Examination  
pesticide applicator 17.21.090  
pesticide operator 17.21.120  
Fleet vehicles, proportional registration 46.85.120  
Motor vehicles  
auto stage  
maximum gross weight fees 46.16.070  
how computed 46.16.111  
converter gears  
optional methods of licensing 46.16.083  
disposition of 46.68.030  
for hire vehicle  
maximum gross weight fees 46.16.070  
house-moving dollies 46.16.060  
licenses  
distribution of proceeds 46.16.060  
generally 46.16.060  
sales-dealers' licenses 46.70.061

**FEES—Cont.****Motor vehicles—Cont.**

- stages
  - maximum gross weight fees 46.16.070
  - how computed 46.16.111
- trailers
  - converter gears used with
    - optional methods of licensing 46.16.083
  - maximum gross weight fees on trailers, semitrailers and pole trailers
    - fixed load machines, capacity fee in addition to and in lieu 46.16.080
    - gross weight, how computed 46.16.111
    - overloading licensed capacity, additional license fee 46.16.140
    - quarterly license 46.16.135
  - trucks, truck tractors
    - converter gears used on two-axle tractor
      - optional methods of licensing 46.16.083
    - maximum gross weight fees on 46.16.070
    - fixed load machines, capacity fee in addition to and in lieu 46.16.080
    - gross weight, how computed 46.16.111
    - how computed 46.16.111
    - monthly tonnage license 46.16.135
    - overloading licensed capacity, additional license fee 46.16.140
    - travel trailer, horse trailer, or boat trailer, exception 46.16.111
    - propelled by other than gasoline, maximum gross weight fees 46.16.070
    - how computed 46.16.111
  - vehicle license 46.68.030
- Prerearrangement funeral service contract certificate of registration
  - issuance, renewal 18.39.290
- Secretary of state
  - corporate documents and certificates 23A.40.020
- State parks
  - winter recreational parking areas, permits 43.51.300
- Tow trucks, capacity fee in addition to and in lieu 46.16.079
- Winter recreational parking areas, parking permits 43.51.300

**FELONIES**

- Arrest for, force, use of, when lawful 9A.16.020
- Assault
  - third degree, class C 9A.36.030
- Bigamy
  - class C 9A.64.010
- Class B
  - indecent liberties 9A.44.100
- Class C
  - assault, third degree 9A.36.030
  - bigamy 9A.64.010
  - commission merchants 20.01.460
  - communication with a minor for immoral purposes 9.68A.090
- Communication with a minor for immoral purposes
  - class C felony 9.68A.090
- Criminal justice information act, See CRIMINAL JUSTICE INFORMATION ACT
- Indecent liberties
  - class B felony 9A.44.100
- Theft
  - livestock 9A.56.080

**FELONS**

- Apprehension, by public officer, homicide, justifiable when 9A.16.040

**FENCES**

- Partition fences
  - erection
    - by halves 16.60.040

**FERRIES**

- Cities and towns
  - holding areas for ferry patrons on municipal off-street parking facilities 47.60.550
- Collective bargaining and arbitration mediation
  - wave, proceed with binding arbitration 47.64.230
- State
  - general obligation bond issue—1977 act amount 47.60.560
  - interfund transfers, reimbursements, charges 47.60.620
  - passenger only vessels 47.60.560
  - proceeds
    - disposition 47.60.570
    - use limitation 47.60.570
    - purposes 47.60.560
  - review of tariffs and charges on authorized, purpose 47.60.440
  - minimum annual debt service to be met 47.60.440
  - tolls and charges to be revised upon failure 47.60.450
  - use of municipally owned off-street parking facilities for holding areas for ferry patrons 47.60.550

**FERRY COUNTY**

- Superior court judges, number of 2.08.065

**FERRY DISTRICTS**

- Elections, times for holding 29.13.020

**FILING**

- Claims against state 4.92.040
- Corporations
  - nonprofit corporations 24.03.405
- Fleet vehicles, proportional registration applications 46.85.120
- Tort claims against state 4.92.100

**FINANCIAL AID**

- Student financial aid program
  - higher education coordinating board
    - authorized to accept grants, gifts, bequests, etc. 28B.10.820
    - eligibility for financial aid 28B.10.810
  - executive director, employees, appointment by 28B.10.824
  - grants, awarding of, procedure 28B.10.808
  - rules and regulations 28B.10.822

**FINANCIAL MANAGEMENT, OFFICE OF**

- Boards and commissions
  - compensation
    - review and report to legislature 43.03.260
- Classes and number of positions for agencies fixed by, exceptions 43.88.160
- Director
  - accounting procedure manual, duty to adopt 43.88.160
  - accounting system, duty to devise and supervise 43.88.160
  - budget and accounting system
    - accounting system, duty to devise and supervise 43.88.160
    - expenditure program, duties concerning 43.88.110
  - power to exempt public funds from allotment control 43.88.110

**FINANCIAL MANAGEMENT, OFF. OF—Cont.**

- Director—Cont.
  - checks and drafts, form prescribed by 43.88.160
  - corrective measures by agencies, duties to enforce 43.88.160
  - efficiency surveys and analyses of agencies 43.88.160
  - employee training authorized 43.88.160
  - energy facility site evaluation council member 80.50.030
  - regulations, duty to promulgate 43.88.160
  - reporting requirements 43.88.160
  - reports of agencies, authority to require 43.88.160
  - reports to governor, duplication of effort or lack of coordination between agencies 43.88.160
  - transfers between budget stabilization account and general fund 43.88.160
  - warrants or checks, form prescribed by 43.88.160
- Energy conservation
  - budget process 43.41.170
  - consumption data supplied by energy office 43.41.175
- Fiscal management, powers and duties 43.88.160
- Fiscal notes
  - fiscal impact of legislation 43.88A.030
  - impact of legislation on counties, cities Ch. 43.132
- Forms presented by 43.88.160
- Health care purchased by state agencies
  - health care information systems, agencies to establish 70.14.010
- Judicial impact notes
  - development of with administrator for the courts 2.56.120
- Liquor fund, class H licenses, duties in relation to 66.08.180
- Pay and classification plans for state agencies, review, exceptions 43.88.160
- Purchases, emergency, state officers, etc., duties relating to 43.19.200
- Sentenced felon jail forecast
  - office of financial management to prepare 10.98.140
- State health care cost containment policies 43.41.160

**FINES**

- District courts
  - additional costs, public safety and education assessment 3.62.090

**FINGERPRINTS**

- Automatic fingerprint information system
  - account established 43.43.565
  - report 43.43.560

**FIRE**

- Arson
  - insurance
    - classification of areas 48.53.020
- Building wardens, immunity from liability 4.24.400

**FIRE ALARMS**

- False, sounding of 9.40.100
- Molesting 9.40.100
- Tampering 9.40.100

**FIRE CODES**

- Fire code, roadway provisions not adopted 19.27.060

## FIRE CODES

### FIRE CODES—Cont.

State  
fruits and vegetables, excluded from meaning of combustible stock 19.27.060

### FIRE DEPARTMENTS

Vehicles  
use of tires with studs 46.37.420

### FIRE DISTRICTS

Elections, time for holding 29.13.020

### FIRE HYDRANTS

Water companies may be required to maintain 80.28.250

### FIRE MARSHAL, STATE

Alternative fuel source  
placard required 46.37.467

### FIRE PREVENTION (See also COMMUNITY DEVELOPMENT, DEPARTMENT OF)

Cities and towns  
first class cities, providing for 35.22.280  
third class cities, provisions for 35.24.290  
towns, provisions for 35.27.370  
Contracts for, fire protection districts 52.12.031  
Hospitals, standards for protection 70.41.080  
Hospitals for mentally ill, private establishments 71.12.485  
Jails  
state building code  
exceptions 19.27.060  
Private establishments and institutions, regulations 71.12.485

### FIRE PROTECTION

Assault on a fire fighter 9A.36.030  
Breach of duty imposed by statute, ordinance or rule  
negligence per se 5.40.050  
Community development, department of director of fire protection  
appointment 43.63A.340  
fire service training  
account established 43.63A.370  
fees and fee schedule 43.63A.360  
fire service training program  
grants and bequests 43.63A.350  
legislative intent 43.63A.300  
Consolidation including annexation of cities  
fire department employees, transfer of 35.10.360, 35.10.365, 35.10.370, 35.10.510, 35.10.520, 35.10.530, 35.13.215, 35.13.225, 35.13.235  
Fire protection policy board  
advisory duties 43.63A.330  
created 43.63A.310  
duties 43.63A.320  
Forests  
arrests without warrants 76.04.065  
blasting fuse, use of 76.04.265  
burning permits 76.04.205  
campfires, failure to extinguish 76.04.700  
closure of fire hazard areas 76.04.305, 76.04.325  
contracts for protection and development 76.04.105, 76.04.115, 76.04.125  
cooperative agreements, public agencies 76.04.135  
cooperative protection 76.04.095  
Definitions 76.04.005  
department powers and duties 76.04.015  
deposit of fire or live coals during closed season 76.04.435

### FIRE PROTECTION—Cont.

Forests—Cont.  
disposal of forest debris, clearing roads 76.04.650  
federal funds 76.04.025  
felling trees on another's land, permission to 76.04.650  
fire fighting, employment, assistance 76.04.155  
fire hazards, additional, extreme 76.04.660  
forest fire advisory board 76.04.145  
forest fire protection assessment 76.04.610, 76.04.630  
landowner contingency forest fire suppression account 76.04.630  
lighted material, smoking, ashtrays, notices 76.04.455  
logging operations, shutting down 76.04.325  
mill waste, forest debris, dumping prohibited 76.04.235  
mill wood waste, spark arresters 76.04.215  
negligent spreading of fire 76.04.730  
negligent starting of fires, liability 76.04.495  
notices, removal of 76.04.720  
owners to protect forests 76.04.600  
rangers, ex officio rangers 76.04.045  
reckless burning 76.04.710, 76.04.740  
reports of fire 76.04.445  
rule violations, penalties 76.04.075, 76.04.085  
sealed fire tool box, unauthorized entry 76.04.425  
service of notices 76.04.055  
slash burns, escaped 76.04.486  
snags, certain, to be felled 76.04.465  
spark-emitting equipment regulated 76.04.405  
state appropriations, recovery from landowner contingency fire suppression account 76.04.620  
suppression  
reimbursement for costs 76.04.475  
suspension of burning permits or privileges 76.04.315  
uncontrolled fire, public nuisance 76.04.750  
violations, work stoppage 76.04.415  
wardens 76.04.035  
wilful setting of fires 76.04.710

### FIRE PROTECTION DISTRICTS

Annexation of a city or town  
transfer of employees 52.04.111–52.04.131  
Annexation of by cities and towns 35.02.190, 35.02.200  
Assault on a fire fighter 9A.36.030  
Cities and towns  
incorporation or annexation of entire district, tax ramifications 52.08.025  
withdrawal from 52.08.025  
Commissioners  
association with other commissioners 52.12.031  
oath of office 52.14.070  
Contracts  
fire prevention 52.12.031  
Elections  
time for holding 29.13.020  
Fire insurance premium tax, distribution 41.16.050  
Forest protection assessments  
separation, taxation and assessment purposes 52.20.027  
Group life insurance contracts for personnel, power of districts to provide 52.12.031  
Hazardous materials response teams 52.12.140  
Incorporation of city or town, territory removed from district 35.02.180  
Merger with another district  
transfer of employees 52.06.110–52.06.130

## FIREWORKS

### FIRE PROTECTION DISTRICTS—Cont.

Powers  
contracting with cities, towns and counties 52.12.031  
group life insurance contracts for personnel, power of district to provide 52.12.031  
specific enumeration 52.12.031  
Reimbursement for fire suppression costs on state lands, contract authority 52.12.125  
Service charges  
collection 52.18.030  
listing of property subject to 52.18.030  
resolution  
establishing charges, contents 52.18.030  
Withdrawal  
cities and towns  
removal 52.08.025

### FIREARMS

Forfeiture 9.41.098  
Off-road and nonhighway vehicles 46.09.130  
Pistols, uniform act  
forfeiture 9.41.098

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

Fire insurance premium tax  
distribution, basis for 41.16.050  
payment into pension fund 41.16.050  
volunteer firemen's relief and pension fund, payment into 41.24.030  
Pension fund  
fire insurance premium tax, payment into 41.16.050  
how constituted 41.16.050

### FIRES

Hospitals, standards for protection 70.41.080  
Jails  
state building code  
exceptions 19.27.060  
Losses from, report of insurance companies to department of community development 48.05.320  
Report and investigation of, department of community development 48.48.060  
Smoke detection devices, required 48.48.140  
Suspected criminal origin, report to department of community development 48.05.320  
Undetermined origin, report to department of community development 48.05.320

### FIREWORKS

Community development, department of  
list of allowed fireworks  
provide 70.77.575  
retailers to post 70.77.580  
powers and duties 70.77.250  
seizure of 70.77.435  
Definitions  
license 70.77.170  
Licenses  
agents, in—state 70.77.305  
annual application 70.77.325  
application for 70.77.315  
community development, department of, to issue 70.77.305  
community development, department of  
duties relating to 70.77.250  
denial  
failure to meet qualifications 70.77.365  
grounds for, generally 70.77.360  
granting, grounds for 70.77.330  
manufacturer, importer, wholesaler  
registration of in—state agents 70.77.305  
registration of in—state agents 70.77.305  
revocation, grounds for 70.77.375

## FIREWORKS

### FIREWORKS—Cont.

- Licenses—Cont.
  - revocation or expiration sale allowed, when 70.77.430
- Local permits 70.77.355
- Public displays
  - bond 70.77.355
  - insurance 70.77.355
  - licenses
    - granting 70.77.355
    - sureties 70.77.355
- Pyrotechnic operator
  - public display, supervision 70.77.415
- Records and documents
  - additional and supplemental reports 70.77.465
  - examination by fire marshal 70.77.450
  - maintenance, availability for examination 70.77.455
  - transactions, when deemed made 70.77.460
- Retailers to post list of allowed fireworks 70.77.580
- Sale
  - licenses
    - revocation or expiration 70.77.430
- Seizure
  - authority for 70.77.435
  - judicial action for recovery 70.77.440
  - petition for return 70.77.440
  - sale of confiscated fireworks, auction 70.77.440
- Transportation, licensees authorized 70.77.330

### FIRST SOURCE CONTRACTS

- Definitions 50.64.020
- Employee training period
  - benefits 50.64.050
  - financial incentives 50.64.060
- Encouraged 50.64.030
- Financial incentives 50.64.040
- Legislative findings 50.64.010

### FLARES

- Approval by commission on equipment 46.37.440

### FLOATING HOMES

- Defined 82.45.032
- Real estate defined 82.45.032
- Real property defined 82.45.032
- Used
  - defined 82.45.032

### FLOOD CONTROL

- Districts—1937 act
  - annexation, consolidation 86.09.710
  - assessments
    - conclusiveness of base assessment map 86.09.439
    - determination, generally 86.09.430, 86.09.439
    - hearing on objections to assessments ratios
      - notice
        - contents 86.09.430
  - fiscal matters
    - funds
      - payment by warrant 86.09.562
      - special assessment bond issues generally 86.09.157
    - powers
      - general enumeration 86.09.151
      - special assessment bonds 86.09.621
  - Management plans
    - department of ecology authority 86.26.050
  - Public entities benefiting shall be liable for charges 86.15.160

### FLOOD CONTROL—Cont.

- Special districts
  - uniform procedures for creation and operation
    - definitions 85.38.010
    - governing board 85.38.070
- State participation in maintenance agreement as to 86.26.100
- appropriation of funds 86.26.050
- comprehensive flood control management plan
  - requirements, time for completion 86.26.105
- flood control assistance account
  - establishment, use 86.26.007
  - limitations 86.26.100
  - local engineer 86.26.040
- Storm water
  - control facilities
    - assessments, rates, charges
      - credit received for initiating improvements 90.03.510
      - property owners creating need, pay 90.03.500
      - public entities creating need, pay 90.03.500
      - public entities to pay assessments, rates, charges 90.03.500
    - rates and charges
      - definitions 90.03.520
      - state highway rights of way, with respect to 90.03.525
  - damage to property caused by neighboring uses
    - assessments, rates, charges
      - property owners responsible to pay 90.03.500
      - public entities responsible to pay 90.03.500
    - public entities benefiting shall be liable for charges 86.15.160
  - zones
    - excess levies, charges, and assessments 86.15.160
    - local improvement district creation 86.15.160
    - service charges, disposition of revenue 86.15.176
- Zone districts
  - fiscal matters
    - excess levies, charges, and assessments 86.15.160
    - service charges, disposition of revenue 86.15.176
  - local improvement district creation 86.15.160
  - rates and charges
    - credit received for initiating improvements 90.03.510

### FOOD, DRUG AND COSMETIC ACT

- Drugs
  - uniformity of state laws and regulations with federal act and regulations 69.04.398
- Federal act
  - uniformity of state laws and regulations with federal act and regulations 69.04.398
- Food
  - uniformity of state laws and regulations with federal act and regulations 69.04.398
- Kosher foods
  - federal law, application 69.04.398
- Popcorn, disclosure of butter or butter-like flavoring 69.04.331

## FOOD FISH AND SHELLFISH

### FOOD AND FOOD PRODUCTS

- Organic food
  - director of agriculture, responsibilities 15.86.060
  - rule adoption by director of agriculture 15.86.060
  - sworn statement by producer prior to sale to vendor 15.86.050
- Retail sales tax exemption when sold for human consumption 82.08.0293
- Sale, use or leaving of if it contains poison, penalty 69.40.020
- Use tax exemption 82.12.0293

### FOOD FISH AND SHELLFISH

- Advisory review boards 75.30.050
- Aquaculture marketing
  - agriculture, department of
    - principal state agency 15.85.030
    - rule adoption to implement chapter 15.85.040
  - aquatic products defined as commodities 15.65.020, 15.66.010
  - disease inspection and control
    - policy to protect wildstock fisheries 15.85.010
- Canals, ditches and drains
  - diversion or storage of water, hydraulic permits, review period, scope 75.20.050
- Charter boats
  - salmon
    - advisory review board 75.30.050
- Columbia river
  - smelt
    - commercial fishing
      - license
        - application deadline 75.28.014
- Commercial fishing
  - crab
    - Puget Sound license endorsement
      - advisory review board 75.30.050
  - herring
    - advisory review board 75.30.050
  - license
    - application deadlines for gear and districts 75.28.014
  - smelt
    - Columbia river
      - application deadline 75.28.014
- licenses
  - salmon
    - application deadline 75.28.014
  - Puget Sound whiting fishery
    - advisory review board 75.30.050
    - license
      - legislative finding 75.30.150
      - requirements, fees 75.30.160
      - who may obtain 75.30.170
      - who may possess, transferability 75.30.180
  - salmon
    - advisory review board 75.30.050
    - delivery permit
      - reversion to department following government confiscation 75.30.125
      - waiver of requirements due to foreign government action 75.30.121
    - landing requirements
      - waiver due to foreign government action 75.30.121
    - licenses
      - application deadline 75.28.014
      - reversion to department following government confiscation 75.30.125
- Crab
  - commercial fishing advisory review board 75.30.050
- Dams or obstructions
  - abatement as public nuisance 75.20.100

**FOOD FISH AND SHELLFISH—Cont.**

- Dams or obstructions—Cont.
  - plans and specifications, approval 75.20.100
- Department of fisheries
  - director
    - appointment of 43.17.020
    - energy facility site evaluation council member 80.50.030
- Fish dealer
  - licenses
    - wholesale
      - display requirements 75.28.070
- Flood control management plans 86.26.050
- Herring
  - commercial fishing
    - advisory review board 75.30.050
- Hydraulic permits
  - approval of, not unreasonably withheld 75.20.100
  - review period, scope 75.20.050
  - violations, civil penalties 75.20.106
- Licenses
  - fish dealer
    - wholesale
      - display requirements 75.28.070
  - salmon
    - commercial fishing
      - application deadline 75.28.014
  - smelt
    - commercial fishing
      - Columbia river
        - application deadline 75.28.014
- Motor vehicles gross weight fees, fish products excluded from lower fees for farm products 46.16.090
- Salmon
  - charter boats
    - advisory review board 75.30.050
  - commercial fishing
    - advisory review board 75.30.050
    - license
      - application deadline 75.28.014
    - licenses
      - commercial fishing
        - application deadline 75.28.014
- Smelt
  - licenses
    - commercial fishing
      - Columbia river
        - application deadline 75.28.014
- Whiting fishery
  - commercial fishing
    - advisory review board 75.30.050
  - license
    - legislative finding 75.30.150
    - requirements, Fees 75.30.160
    - who may obtain 75.30.170
    - who may possess, transferability 75.30.180

**FORCE**

- Use of, when lawful 9A.16.020

**FORECLOSURES**

- Senior citizens, certificate of delinquency, issuance prohibited 84.64.050

**FOREIGN CORPORATIONS**

- Admission requirements
  - statement required 23A.32.050
- Annual report
  - filing
    - nonprofit corporation 24.03.400
    - nonprofit corporation 24.03.395
- Certificate of authority
  - amendment to 23A.32.130
  - application, contents
    - nonprofit corporation 24.03.325
    - nonprofit corporation 24.03.305

**FOREIGN CORPORATIONS—Cont.**

- Certificate of good standing
  - nonprofit corporation 24.03.330
- Certificate of revocation
  - issuance 23A.32.170
  - nonprofit corporations 24.03.385
- Fees
  - appointment of agent for service of process 23A.32.100
  - recording 23A.40.020
- Filings
  - statement of shares, property, etc. 23A.32.050
- Merger, consolidation, or exchange with domestic nonprofit corporation 24.03.207
- Merger
  - nonprofit organization 24.03.360
- Name
  - change of
    - nonprofit corporations 24.03.320
- Recording fees 23A.40.020
- Registered office, agent
  - change of
    - nonprofit corporation 24.03.345
- Service of process and papers on resident agent
  - change of 23A.32.090
  - failure to maintain agent, service of process on secretary of state 23A.32.100
  - how service made 23A.32.100
  - secretary of state, when 23A.32.100
- Service on
  - nonprofit corporations 24.03.350

**FOREIGN OR INTERNATIONAL BANKING INSTITUTIONS**

- Banks and trust companies
  - investments in capital stock and surplus, authorized 30.04.380
  - investments in stock or ownership, authorized 30.04.390
- Trust companies and banks
  - investments in capital stock and surplus, authorized 30.04.380
  - investments in stock and ownership, authorized 30.04.390

**FORENSIC PATHOLOGY**

- University of Washington fellowship program 28B.20.426
- death investigations account disbursements 43.79.445

**FORESTS AND FOREST PRODUCTS**

- Fire protection
  - arrests without warrants 76.04.065
  - blasting fuse, use of 76.04.265
  - burning permits 76.04.205
  - campfires, failure to extinguish 76.04.700
  - closure of fire hazard areas 76.04.305, 76.04.325
  - contracts for protection and development 76.04.105, 76.04.115, 76.04.125
  - cooperative agreements, public agencies 76.04.135
  - cooperative protection 76.04.095
  - definitions 76.04.005
  - department powers and duties 76.04.015
  - deposit of fire or live coals during closed season 76.04.435
  - disposal of forest debris, clearing roads 76.04.650
  - federal funds 76.04.025
  - felling trees on another's land, permission to 76.04.650
  - fire fighting, employment, assistance 76.04.155
  - fire hazards, additional, extreme 76.04.660
  - forest fire advisory board 76.04.145

**FORESTS AND FOREST PRODUCTS—Cont.**

- Fire protection—Cont.
  - forest fire protection assessments 76.04.610, 76.04.630
  - landowner contingency forest fire suppression account 76.04.630
  - lighted material, smoking, ashtrays, notices 76.04.455
  - logging operations, shutting down 76.04.325
  - mill waste, forest debris, dumping prohibited 76.04.235
  - mill wood waste, spark arresters 76.04.215
  - negligent spreading of fire 76.04.730
  - negligent starting of fires, liability 76.04.495
  - notices, removal of 76.04.720
  - owners to protect forests 76.04.600
  - rangers, ex officio rangers 76.04.045
  - reckless burning 76.04.710, 76.04.740
  - reports of fire 76.04.445
  - rule violations, penalties 76.04.075, 76.04.085
  - sealed fire tool box, unauthorized entry 76.04.425
  - service of notices 76.04.055
  - slash burns, escaped 76.04.486
  - snags, certain, to be felled 76.04.465
  - spark-emitting equipment regulated 76.04.405
  - state appropriations, recovery from landowner contingency fire suppression account 76.04.620
  - suppression
    - reimbursement for costs 76.04.475
  - suspension of burning permits or privileges 76.04.315
  - uncontrolled fire, public nuisance 76.04.750
  - violations, work stoppage 76.04.415
  - wardens 76.04.035
  - wilful setting of fires 76.04.710
- Forest protection
  - fire protection districts, separation of land 52.20.027
- Motor vehicles gross weight fees, excluded from farm vehicle lower rate 46.16.090
- Reforestation, inspection of deforested land 76.09.290
- Rehabilitation of forests
  - fire protection projects
    - landowner's responsibility under other laws 76.14.120
- Taxation
  - composite property tax rate
    - defined 84.33.035
  - forest land
    - defined 84.33.035
  - harvested
    - defined 84.33.035
  - harvester
    - defined 84.33.035
  - small harvesters
    - definitions 84.33.073
  - stumpage value of timber
    - defined 84.33.035
  - timber
    - defined 84.33.035
    - timber assessed value
      - defined 84.33.035

**FORFEITURE OF OFFICE**

- Liquor control board members 66.08.014

**FORFEITURES**

- Bail
  - judgment against principal and sureties, execution 10.19.090
- Banks, failure to commence business within six months 30.08.070
- Firearms 9.41.098

**FORMATION**

Banks  
requisites 30.08.010

**FORMS**

Logging lien claims 60.24.075

**FRANCHISES**

Cities and towns  
streets and sidewalks  
ordinances for use and occupancy  
35.27.370  
third class cities, restrictions on granting  
35.24.290

**FRATERNAL ORGANIZATIONS**

Nonprofit corporations, authorized 24.03.015

**FRAUD**

Commission merchant  
dealer or agent 20.01.220  
Commission merchants and brokers 20.01.460

**FUNDS**

Certified public accountant account 18.04.105  
Public works assistance account  
source of revenue 82.16.010, 82.16.020

**FUNERAL DIRECTORS AND EMBALMERS**

Applicants from other states 18.39.130  
Board  
compensation 18.39.175  
cremation  
rules to be adopted in conjunction with  
cemetery board 18.39.175  
duties 18.39.175  
responsibilities 18.39.175  
travel expenses 18.39.175  
Certain relationships and financial dealings or  
advice  
prohibited, exceptions, violation, penalty  
18.39.231  
Continuing education 18.39.175  
Director  
powers and duties 18.39.181  
Disciplinary proceedings 18.39.175  
Examinations  
reexamination 18.39.150  
Funeral director  
certain relationships and financial dealings  
or advice  
exceptions 18.39.231  
prohibited 18.39.231  
violation, penalty 18.39.231  
Funeral establishment  
license  
cancellation, when, hearing 18.39.148  
issuance 18.39.145  
requirements 18.39.145  
transferability 18.39.145  
prearrangement funeral service contract  
certificate of registration  
annual statement of financial condition,  
effect of failure to file 18.39.320  
application for 18.39.280  
fees, disposition of 18.39.290  
grounds for disciplinary action 18.39-  
.300, 18.39.320  
renewal 18.39.290  
required 18.39.260  
grounds for disciplinary action 18.39.320  
Licenses  
applicants from other states 18.39.130  
lapse, reinstatement, fee, reexamination  
18.39.150

**FUNERAL DIR., EMBALMERS—Cont.**

Prearrangement funeral service contract  
certificate of registration  
annual statement of financial condition,  
effect of failure to file 18.39.320  
application for 18.39.280  
fees, disposition of 18.39.290  
grounds for disciplinary action 18.39.300,  
18.39.320  
renewal 18.39.290  
required 18.39.260  
contract form  
approval, required 18.39.330  
disapproval, grounds for 18.39.330  
Prearrangement funeral service trust fund au-  
dit 18.39.175  
Uniform disciplinary act 18.39.178

**FUNERALS**

Industrial insurance, burial expenses 51.32.050

**GAMBLING**

Cities and towns  
second class cities, control of 35.23.440  
third class cities, control of 35.24.290  
towns, control and punishment of 35.27.370  
Commission  
administrative law judges, appointment of  
9.46.140  
administrator 9.46.080  
appointment 9.46.040  
audits, payments for 9.46.060  
bond 9.46.050  
chairman 9.46.050  
counsel, payments for 9.46.060  
employees  
prohibited activities 9.46.085  
enforcement authority 9.46.210  
hearing officers, appointment of 9.46.140  
hearings, power 9.46.140  
inspections and audits, by 9.46.130  
law enforcement agency for purposes of  
chapter 9.46.210  
licenses, permits, denial, suspension, revoca-  
tion 9.46.075  
meetings 9.46.050  
members 9.46.040  
prohibited activities 9.46.085  
powers and duties of 9.46.070  
quorum 9.46.050  
reports to the legislature 9.46.090  
rules and regulations 9.46.080  
staff 9.46.080  
subpoena, investigative powers 9.46.140  
travel expenses and compensation 9.46.050  
vacancies, filling of 9.46.040

**GAME AND GAME FISH**

Canals, ditches and drains  
diversion or storage of water, hydraulic per-  
mits, review period, scope 75.20.050  
Damages caused by game  
arbitration procedure 77.12.280  
authority to compromise, adjust and settle  
claims 77.12.270  
legislature, when claim may be referred to  
for settlement 77.12.280  
maximum amount of payments 77.12.280  
settlement final 77.12.280  
time limit for settling 77.12.280  
Dams or obstructions  
abatement as public nuisance 75.20.100  
plans and specifications, approval 75.20.100  
Department of game  
director  
appointment of 43.17.020  
energy facility site evaluation council  
member 80.50.030

**GAME AND GAME FISH—Cont.**

Hunting  
illegal possession of wildlife  
reimbursement 77.21.070  
Hydraulic permits  
approval of, not unreasonably withheld  
75.20.100  
review period, scope 75.20.050  
violations, civil penalties 75.20.106  
Illegal possession  
reimbursement 77.21.070  
Reimbursement  
illegal possession of wildlife 77.21.070  
Waters  
disturbing stream bed 75.20.100

**GARBAGE**

Cities and towns  
collection and disposal systems 35.21.120  
contracts for solid waste handling 35.21.120  
Refuse collection business  
collection of tax 82.18.030  
definitions 82.18.010  
federal government exempt 82.18.050  
multiple taxation, exemption to avoid  
82.18.060  
public works assistance account, deposit tax  
in 82.18.040  
tax imposed 82.18.020

**GARBAGE AND REFUSE COLLECTION COMPANIES**

Regulation, exceptions 80.01.300

**GARNISHMENT**

Child support  
wages 26.09.135, 26.21.125, 26.26.132  
Wages  
child support 26.09.135, 26.21.125,  
26.26.132

**GASOLINE**

Retail trading practices  
burden of proof 19.120.130  
civil actions  
damages, fees 19.120.110, 19.120.120  
criminal actions 19.120.120  
damage, rescission, or other relief  
19.120.090  
definitions 19.120.010  
franchise  
considered personal property 19.120.040  
offers, sales, or purchases, unlawful acts  
19.120.070  
real property or improvements, sale, right  
of first refusal 19.120.050  
sale of to  
corporation 19.120.030  
third party 19.120.020  
limitation period 19.120.100  
refiner-supplier  
prohibited conduct 19.120.060  
rights and prohibitions between refiner-  
supplier and retailer 19.120.080

**GASOLINE BILL OF RIGHTS ACT (See GASOLINE, subtitle Retail trading practices)****GENERAL ADMINISTRATION, DEPARTMENT OF**

Archives and records management division  
preservation of essential public documents  
40.10.020  
Conservation measures in state buildings  
private investment 43.19.680  
Director  
appointment of 43.17.020

**GEN. ADMIN., DEPT. OF****GEN. ADMIN., DEPT. OF—Cont.**

Director—Cont.  
 energy audits  
 implementation plans 43.19.680  
 Energy audits, state facilities  
 implementation plan 43.19.680  
 Inmate work programs  
 commodities, plan for production and purchasing 72.09.102  
 Motor vehicle transportation service division  
 motor transport account  
 generally 43.19.610  
 Printing and duplicating management center  
 operations, fees, report 43.19.660  
 Private investment in energy conservation  
 measures for state buildings 43.19.680  
 Procurement of printing, microfilm, and duplicating equipment  
 printing and duplicating management center  
 43.19.650  
 Purchases  
 prison work programs  
 purchase required, exceptions 43.19.534  
 Purchasing  
 compliance by state officers, employees, etc.,  
 required 43.19.200  
 emergency purchases by state officers, etc.  
 43.19.200  
 estimates, required of state officers, etc.  
 43.19.200  
 policy for purchasing and material control  
 initial determinations, time 43.19.19052  
 State facilities  
 private investment in conservation measures  
 43.19.680

**GLASS**

Tinted glass on motor vehicles 46.37.430

**GOLF**

Business and occupation tax, charge or service  
 as retail sale 82.04.050

**GOOD SAMARITAN LAWS** (See EMERGENCY, subtitle Emergency care or transportation; IMMUNITY (LEGAL), subtitle Persons rendering emergency care or transportation, immunity from liability)

**GOVERNMENT**

Defined, for Washington Criminal Code  
 9A.04.110

**GOVERNMENTAL FUNCTION**

Defined, for Washington Criminal Code  
 9A.04.110

**GOVERNOR**

Appointing power  
 board of  
 electrical examiners 19.28.123  
 registration of professional engineers and  
 land surveyors 18.43.030  
 director of the state lottery 67.70.050  
 energy facility site evaluation council, chair-  
 man 80.50.030  
 indeterminate sentence review board  
 9.95.003  
 license revocation committee 43.24.110  
 Attorney general  
 annual report to 43.10.100  
 Board of natural resources member 43.30.040  
 Economic and revenue forecasts  
 submitted by department of revenue  
 82.01.120  
 Emergency declarations  
 state register, contained in 34.08.020

**GOVERNOR—Cont.**

Emergency management  
 powers and duties relating to 38.52.030, 38-  
 .52.040, 38.52.050, 38.52.090–38.52.110,  
 38.52.170  
 Executive orders  
 state register, contained in 34.08.020  
 Legal holidays  
 proclamation process, applicability to courts  
 2.28.100  
 Medal of merit  
 powers and duties relating to 1.40.010,  
 1.40.030, 1.40.040  
 Preschools  
 early childhood assistance  
 report to legislature 28A.34A.080  
 Reports to  
 attorney general's annual report 43.10.100  
 community college state board 28B.50.070  
 community development, fire protection  
 48.48.110  
 engineers and land surveyors board of regis-  
 tration 18.43.035  
 financial management, office of, director of  
 43.88.160  
 state committee on agency officials' salaries  
 43.03.028  
 Salary of governor, amount of 43.03.010

**GRAIN**

Dealer license  
 fees, penalties 22.09.055

**GRANT COUNTY**

Superior court judges, number of 2.08.065

**GROCERY STORES**

Shopping cart theft  
 definitions 9A.56.010

**GROSS MISDEMEANOR**

Commission merchants 20.01.460  
 Limitation of action 9A.04.080

**GUNS** (See FIREARMS)**HABEAS CORPUS**

Legal holidays, hearing applications and issu-  
 ance upon 2.28.100

**HANDICAPPED**

Absentee voting  
 ongoing status for disabled, blind, or elderly  
 status criteria 29.36.013  
 termination every other year with renewal  
 option 29.36.016  
 Motor vehicles  
 driver's license  
 procedure, restrictions, doctor's certificate  
 46.20.041  
 Parking privileges 46.16.381  
 Sheltered workshops for  
 tax exemptions 82.04.385, 84.36.350

**HANFORD**

Federal low-level radioactive waste policy  
 amendments of 1985, implementation  
 43.200.180  
 Low-level radioactive waste disposal facility  
 site closure and perpetual care 43.200.190  
 Low-level waste disposal facility  
 site use permits 70.98.085  
 surveillance fee 70.98.085  
 Waste disposal surcharges and penalty sur-  
 charges  
 governor may assess 43.200.170

**HEALTH AND SAFETY****HARASSMENT**

Mental patients' records  
 disclosure 71.05.390

**HARBOR LINES COMMISSION**

Board of natural resources to constitute  
 43.30.150

**HAY**

Dealers or merchants  
 vehicle weight certification required  
 20.01.125  
 failure to obtain 20.01.125  
 Transporting of  
 vehicles may be stopped 20.01.610

**HAZARDOUS MATERIALS**

Fire protection, operators to provide annual re-  
 ports to fire department 70.105.135  
 Hazardous household substances  
 local plans 70.105.220  
 pilot projects, grants 70.105.235  
 Hazardous materials response teams  
 fire protection districts may participate  
 52.12.140  
 Hazardous waste disposal  
 PCB waste 70.105.105  
 standards and regulations, adoption of  
 70.105.020  
 Hazardous waste management  
 local governments  
 grants available 70.105.235  
 pollution control hearings board to hear  
 disputes 70.105.250  
 technical assistance from department  
 70.105.255  
 local governments to  
 designate zones 70.105.225, 70.105.230  
 prepare local plans 70.105.220  
 Incidents  
 incident command agencies  
 designation by 70.136.030  
 Treatment facilities  
 permits, rules 70.105.215  
 Worker and community right to know fund  
 assessments 49.70.170  
 disbursements 49.70.175  
 penalties 49.70.177

**HE**

Defined, for Washington Criminal Code  
 9A.04.110

**HEALTH AND SAFETY**

Cities and towns  
 first class cities, preservation of 35.22.280  
 second class cities  
 power to provide for 35.23.440  
 providing for 35.23.440  
 towns, ordinances to provide for 35.27.370  
 Drugless healing, compliance 18.36.130  
 Hazardous materials incidents  
 incident command agencies  
 designation by 70.136.030  
 Motor vehicle seat belts, shoulder harnesses,  
 required before sale or registration of vehi-  
 cle 46.37.510  
 Portable oil-fueled heater  
 standards for sale and use  
 jurisdiction of director of community de-  
 velopment through director of fire  
 protection 19.27A.110  
 Smoking  
 private workplaces  
 unless prohibited by state fire marshal,  
 other law, regulation, or ordinance  
 70.160.060



## HEALTH AND SAFETY

### HEALTH AND SAFETY—Cont.

Washington clean indoor air act private workplaces intent of act relating to 70.160.060  
Worker and community right to know fund assessments 49.70.170  
disbursements 49.70.175  
penalties 49.70.177

### HEALTH CARE

Purchased by state agencies  
alternative health care providers, agencies to identify 70.14.020  
drug purchasing cost controls, drug formularies 70.14.050  
health care information systems, agencies to establish 70.14.010  
review of prospective rate setting methods 70.14.040  
utilization review procedures, agencies to establish plan 70.14.030  
State health care cost containment policies 43.41.160

### HEALTH CARE CONTRACTORS

Registered nurses, services of 48.44.290

### HEALTH CARE FALSE CLAIM ACT

Circumstantial evidence 48.80.040  
Civil action not limited 48.80.050  
Conviction of provider, verification to regulatory agency 48.80.060  
Definitions 48.80.020  
Exclusions 48.80.030  
Legislative findings 48.80.010  
Penalties 48.80.030

### HEALTH CARE PRACTITIONERS

Immune from civil action when charging another member with incompetency or gross misconduct 4.24.250  
Records of review committee or board, members, or employees not subject to process 4.24.250

### HEALTH MAINTENANCE ORGANIZATIONS

Adopted children coverage 48.46.490  
Examinations of operations by commissioner 48.46.120  
Mental health coverage optional 48.46.290  
Professional negligence limitation on suits arising from 4.16.350  
Professional service corporations nonprofit corporations authorized 18.100.050  
providing services to 18.100.050

### HEALTH SERVICES

Health care assistants certification requirements 18.135.030  
conditions under which services may be performed 18.135.060  
definitions 18.135.020  
delegation 18.135.065  
legislative intent, implementation 18.135.025  
Mental health treatment health maintenance organizations coverage optional 48.46.290  
insurance coverage 48.21.240, 48.44.340  
Minor health care services certification of assistants requirements 18.135.030

### HEALTH SERVICES—Cont.

Minor health care services—Cont.  
conditions under which services may be performed 18.135.060  
definitions 18.135.020  
Professional service corporations authorized 18.100.050  
nonprofit corporations authorized 18.100.050  
services through health maintenance organization 18.100.050  
Reports of abuse of dependent adults 74.34-.030–74.34.050

### HEARING AIDS

Licensees service of notice 18.35.100  
Sales and use tax exemption 82.08.0283  
Use tax exemption 82.12.0277

### HEARINGS

Local utility districts sewer districts 56.20.030  
Practical nurses 18.78.050  
Sentencing 9.94A.110  
Victim impact statement sentencing hearing 9.94A.110

### HEATING SUPPLIERS

Contracts with customers, terms, approval 80.62.060  
Definitions 80.62.020  
Jurisdiction utilities and transportation commission 80-.62.030, 80.62.080  
Legislative intent 80.62.010  
Low-income energy assistance termination of utility heating service city-owned utility 35.21.300  
limitation 54.16.285, 80.28.010  
report to legislature 54.16.286, 80.28.011  
Operating permit 80.62.050  
Rates, basis for approval 80.62.070  
Regulations and fees 80.62.040  
Termination of utility heating service city procedure 35.21.300  
limitations 35.21.300, 54.16.285, 80.28.010  
report to legislature 54.16.286, 80.28.011  
Utilities and transportation commission jurisdiction continuing 80.62.080  
limited 80.62.030

### HIGHER EDUCATION COORDINATING BOARD

Administrative responsibilities 28B.80.360  
Displaced homemaker program, duties relating to Ch. 28B.04  
Executive director, appointment by commission 28B.10.824  
Financial aid program for students application of proceeds of financial aid, limitation on 28B.10.816  
authorized to accept grants, gifts, bequests, etc. 28B.10.820  
commission executive director, appointment by 28B.10.824  
guidelines in administering program 28B.10.804  
criteria for dispensing financial aid 28B.10.806  
definitions 28B.10.802  
disbursement of funds 28B.10.818  
discrimination with regard to race, creed, color, religion, sex, or ancestry prohibited 28B.10.812  
eligibility for financial aid 28B.10.810

## HIGHWAYS

### HIGHER EDUC. COORDINATING BD.—Cont.

Financial aid program for students—Cont.  
executive director, appointment by commission 28B.10.824  
grants, awarding of, procedure 28B.10.808  
guidelines to be followed by commission 28B.10.804  
powers and duties of commission concerning 28B.10.806  
rules and regulations 28B.10.822  
state higher education Administrative Procedure Act, application to rules and regulations 28B.10.822  
state program 28B.10.806  
study 28B.10.806  
theology students aid prohibited 28B.10.814  
Interagency agreement with commission for vocational education regarding private vocational schools 28C.10.040  
Private degree-granting institutions regulated claims, complaints, investigations, procedure 28B.85.090  
duties 28B.85.020, 28B.85.030  
educational records 28B.85.130  
enforcement of chapter, injunctive relief 28B.85.170  
fees may be imposed by board 28B.85.060  
information may be required by board 28B.85.050  
surety bonds, security, procedure 28B.85.070  
suspension or modification of requirements by board authorized 28B.85.080  
violations civil penalties 28B.85.100  
criminal penalties 28B.85.110  
Report to legislature 28B.80.360

### HIGHER EDUCATION PERSONNEL SYSTEM

Rules and regulations salary schedules rates 28B.16.110  
Salary and fringe benefit survey requirements 28B.16.112  
State internship program employment experience, civil service credit 43.06.425  
executive fellows program 43.06.420  
undergraduate internship program 43.06.420

### HIGHWAYS

Bond issues urban areas county and city arterials bonds proceeds, deposit and use 47.26.423  
sales requirements 47.26.422  
terms and conditions 47.26.421  
legal investment for state funds, exception 47.26.422  
Construction indemnification for negligence related to, against public policy 4.24.115  
Construction and maintenance of "special highway construction equipment," exemption of from vehicle licensing 46.16.010  
Equipment, chains or studded tires, when may be required by highway commission 46.37.420  
Highway advertising control informational panels interstate highway system 47.42.046  
primary and scenic systems 47.42.047  
supplemental directional signs by local governments 47.42.052

## HIGHWAYS

### HIGHWAYS—Cont.

- Highway advertising control—Cont.
  - tourist oriented directional signs
    - primary and scenic systems 47.42.047
- Interstate highway system, signs, specific information panels, business signs, directional information 47.42.046
- Legislative authorities, powers in regard to 36.32.120
- Passing lane
  - signs indicating multilane usage 47.36.260
- Primary highways
  - informational panels, contents 47.42.047
  - tourist oriented directional signs 47.42.047
- Right of way
  - electrical installations
    - chapter inapplicable to, provided department of transportation requires equal or higher standards 19.28.360
- Right of way sprayers
  - license required 17.21.090
- Scenic and recreational highways—1967 act
  - informational panels, contents 47.42.047
  - tourist oriented directional signs 47.42.047
- Signs
  - informational, contents 47.42.046
  - motorist services, local governments may erect supplemental signs 47.42.052
  - multilane usage 47.36.260
  - specific information panels, business signs, directional information 47.42.046
  - supplemental directional signs by local governments 47.42.052
- Special mobile equipment exemption of from vehicle licensing 46.16.010
- Storm water control facilities
  - rates and charges
    - definitions 90.03.520
    - state highway rights of way, with respect to 90.03.525
- Urban area construction, expenditure of funds for 46.68.100
- Urban arterial construction
  - bond issues
    - city and county arterials in urban areas 47.26.421–47.26.423

### HISTORIC PRESERVATION

- Advisory council
  - duties 27.34.270
  - financial and administrative services provided 27.34.280
- Archaeological sites and resources
  - agencies of state government
    - cooperation enjoined for preservation of archaeological resources 27.53.020
  - archaeology and historic preservation, office of
    - cooperation enjoined 27.53.020
  - crimes relating to
    - defined 27.53.060
    - definitions 27.53.030
    - entry agreements 27.53.080
    - penalty for violations 27.53.090
    - powers and duties of director of department of community development 27.53.020, 27.53.060, 27.53.090
    - violations, penalty 27.53.090
  - Washington archaeological research center
    - cooperation enjoined 27.53.020
    - powers and duties 27.53.020
- Archaeology and historic preservation
  - office of 27.34.210
    - budget requests for submitted to heritage council for review and comment 27.34.230
  - powers and duties of director of department of community development 27.34.220, 27.34.230, 27.34.270, 27.34.280

### HISTORIC PRESERVATION—Cont.

- Archaeology and historic preservation—Cont.
  - preservation officer
    - duties relating to grants, apportionment of 27.34.240
    - powers and duties 27.34.270
    - qualifications 27.34.210
  - Definitions 27.34.020
  - Heritage council
    - budget requests from
      - archaeology and historic preservation, office of
        - review and comment 27.34.230
    - financial and administrative services provided 27.34.280
  - Historic properties
    - special valuation for improvements
      - application process 84.26.040, 84.26.050
      - definitions 84.26.020
      - disqualification, penalties 84.26.090
      - valuation criteria 84.26.030
      - valuation duration, notice of disqualification 84.26.080
      - valuation duration 84.26.070
  - Washington archaeological research center
    - cooperation enjoined for preservation of archaeological resources 27.53.020
    - powers and duties 27.53.020, 27.53.060, 27.53.080

### HISTORY

- Schools to teach 28A.05.010
- HOLIDAYS**
  - Courts, judicial business prohibited, exception 2.28.100
  - Legal holidays
    - courts
      - closed 2.28.100
      - governor's proclamation may make exceptions as to 2.28.100
      - judicial business prohibited 2.28.100
  - Writs that may be issued and served 2.28.100

### HOME SCHOOLING

- Defined 28A.27.010
- Exceptions to mandatory public school attendance 28A.27.010
- Extension programs of private schools
  - exception to mandatory public school attendance 28A.27.010

### HOMICIDE

- Justifiable
  - public officer
    - apprehension of felon 9A.16.040
    - escaped felon prisoner, retaking of 9A.16.040
    - execution of court process 9A.16.040
    - obedience of court judgment 9A.16.040
    - suppression of a riot 9A.16.040

### HOOD CANAL BRIDGE

- Maintenance and revision of tolls for meeting debt service 47.60.440

### HORSE RACING

- Exotic races
  - state's share of receipts 67.16.175
- Parimutuel wagering
  - exotic races, state's share 67.16.175
- Payments to commission, percentage of receipts
  - exotic races 67.16.175
- Race meet
  - parimutuel at
    - exotic races, state's share 67.16.175

## HOSTAGES

### HORSE RACING—Cont.

- Revenue retention
  - percentages for exotic races 67.16.175

### HORSES

- Theft of 9A.56.080
- Washington—bred
  - marketing program 43.23.035

### HORTICULTURAL ORGANIZATIONS

- Nonprofit corporations, authorized 24.03.015

### HORTICULTURE

- Horticultural inspection trust fund 15.04.100

### HOSPITAL DISTRICTS

- Elections, times for holding 29.13.020

### HOSPITALS

- Absentee voting 29.36.010
- Anatomical donations
  - identification of potential donors, procedures 68.08.650, 68.08.660
- Board of directors
  - malpractice liability, limitation 7.70.090
- Cities and towns
  - first class cities, establishment and regulation of 35.22.280
  - second class cities, establishment and maintenance of 35.23.440
- Criminal mistreatment
  - withdrawal of life support systems not applicable to chapter 9A.42.040
- DMSO, prescription, administration permitted 70.54.190
- Fire protection, generally 70.41.080
- Hospital personnel
  - professional negligence
    - limitation on suits arising from 4.16.350
- Malpractice
  - board of directors liability, limitation 7.70.090
- Medical malpractice
  - physician's privileges, hospitals to report restrictions to board 70.41.210, 70.41.220
  - physician's privileges, hospitals to review past 70.41.230
- Medical malpractice prevention program 70.41.200
- Organ donations
  - identification of potential donors, procedures 68.08.650, 68.08.660
- Physician's privileges
  - applications, may not discriminate based on type of license 70.43.020
  - hospital to review past 70.41.230
  - hospitals to set standards and procedures 70.43.010
  - injunctive remedies 70.43.030
  - report restrictions to disciplinary board 70.41.210, 70.41.220
- Professional negligence
  - limitation on suits arising from 4.16.350
- Staff membership
  - applications, may not discriminate based on type of license 70.43.020
  - hospitals to set standards and privileges 70.43.010
  - injunctive remedies 70.43.030

### HOSPITALS FOR MENTALLY ILL

- Private establishments
  - fire protection 71.12.485

### HOSTAGES

- Telecommunications may be intercepted 9.73.030

## HOTELS

### HOTELS

Business and occupation tax, charge for lodging as retail sale 82.04.050  
Tax for stadiums and convention centers 67.28.180

### HOUSING

Low-income counties  
loans and grants 36.32.415  
Low-income housing cities and towns  
loans and grants 35.21.685

### HOUSING FINANCE COMMISSION

Audit, annual audit by state auditor 43.180.050  
Debt limitation 43.180.160  
Internal revenue code 43.180.200  
Judgment claim procedure exemption 4.92.040  
Powers 43.180.050

### HOUSING TRUST FUND

Application period, procedure 43.185.070  
Compliance monitoring 43.185.090  
Definitions 43.185.020  
Eligible organizations 43.185.060  
Findings 43.185.010  
Investment of revenues 43.185.040  
Loans or grants 43.185.050  
Preconstruction technical assistance 43.185.080  
Rule-making authority 43.185.100  
Washington housing trust fund created 43.185.030

### HUSBAND AND WIFE

Privileged communications  
between 5.60.060  
criminal proceeding for crime committed by husband or wife against child as parent or guardian, privilege does not apply 5.60.060  
exceptions 5.60.060  
Witnesses, as 5.60.060

### HYDRAULIC APPEALS BOARD

Created 75.20.130  
Environmental hearings office to include hydraulic appeals board 43.21B.005  
Jurisdiction 75.20.130  
Procedures 75.20.140

### HYDRAULIC PROJECTS

Irrigation or stock watering permit process 75.20.103  
Permit process 75.20.100, 75.20.103  
Violations, civil penalties 75.20.106

**IDENTIFICATION** (See STATE PATROL, subtitle Identification and criminal history section)

### IDENTITY

Criminals, See STATE PATROL, subtitle Identification and criminal history section  
Identical cards authorized 46.20.117

### ILLEGITIMATE CHILDREN

Industrial insurance, definition of child 51.08.030

**IMMUNITY (LEGAL)** (See also PUBLIC OFFICERS AND EMPLOYEES, subtitle Disclosure—Improper governmental action)

Building wardens 4.24.400  
Child care, persons other than parents 13.32A.070  
Law enforcement officer releasing child to person other than parent 13.32A.070  
Medical program directors 18.71.215  
Motor vehicle licenses, nonroadworthy vehicles, state immune 46.16.012  
Physicians  
seat belts, verification of inability to wear 4.24.235  
Physicians and surgeons unprofessional conduct, reports of 18.72.265  
Reports by professionals of abuse of dependent adults 74.34.050  
Strip, body cavity searches search delayed, nonliability of government for damage 10.79.170

### IMPOUNDING

Motor vehicle law, under defective vehicles 46.32.060  
Trucks, tractors and trailers monthly tonnage licensing, impounding under 46.16.135

### IMPROVEMENTS

Real property agreements to indemnify for negligence related to, against public policy 4.24.115  
claim arising from 4.16.300  
limitation on 4.16.310

### INCOMPETENTS

Dependent adults report of abuse 26.44.030

### INCORPORATORS

Banks, number required 30.08.010

### INDEBTEDNESS

Cities and towns computation of indebtedness 39.36.030  
Computation of indebtedness 39.36.030  
Counties computation of indebtedness 39.36.030  
legislative authorities, powers in regard to 36.32.120  
Municipal corporations computation of indebtedness 39.36.030

### INDECENT LIBERTIES

Class B felony 9A.44.100

### INDETERMINATE SENTENCE REVIEW BOARD

Board of prison terms and paroles redesignated as 9.95.001  
Confinement considerations of board 9.95.009  
criteria to be prepared 9.95.017  
Counties reimbursement of costs due to transfer of duties to courts 9.95.0012  
Employees 9.95.003  
Meetings 9.95.005  
Members 9.95.003  
Minimum terms 9.95.011  
Panels 9.95.007  
Parole criteria to be prepared 9.95.017  
Qualifications 9.95.003

## INDUSTRIAL INSURANCE

**INDETERM. SENTENCE REVIEW BD.—**  
Cont.

Quarters at institutions 9.95.005  
Quorum 9.95.007  
Reduction of membership 9.95.009  
Salaries 9.95.003  
Terms of office 9.95.003  
Transfer of power to superior courts 9.95.0011  
Travel expenses 9.95.003  
Vacancies 9.95.003

### INDIANS

Colville Indians, retrocession of criminal jurisdiction 37.12.100–37.12.140  
Motor vehicle licensure 46.16.020, 46.16.022

### INDICTED

Defined, for Washington Criminal Code 9A.04.110

### INDICTMENTS

Defined, for Washington Criminal Code 9A.04.110

### INDORSEMENT

Charitable solicitation and fundraising conditions 19.09.230

### INDUSTRIAL INSURANCE

Accident fund  
bonds, employers on default 51.16.150  
delinquent payments by employer 51.16.150  
employers  
delinquent payments 51.16.150  
temporary total disabilities, effect of paying wages 51.32.090  
temporary total disabilities compensation schedule 51.32.090  
duration of payments 51.32.090  
earnings during disability, loss required 51.32.090  
employer paying wages, effect 51.32.090  
time lapse required 51.32.090  
Actions  
employers  
default in payments, action by state 51.16.150  
injunctions, employer's default in payment, by state 51.16.150  
liens  
commencement 51.16.170  
foreclosure 51.16.170  
premiums and penalties 51.16.170  
property subject 51.16.170  
Adopted child  
definition of child 51.08.030  
Age, definition of child 51.08.030  
Aggravation  
application for adjustment 51.32.160  
compensation adjustment 51.32.160  
permanent partial disabilities, compensation schedule 51.32.080  
procedure, compensation, adjustment 51.32.160  
time for adjustment application 51.32.160  
Amputation  
compensation schedule 51.32.080  
disability without amputation 51.32.080  
monthly payments, when, interest 51.32.080  
second injuries, permanent partial 51.32.080  
Appeals  
action of department, service 51.52.050  
additional evidence  
before appeal 51.52.060  
admission of fact at conference 51.52.095  
agreements at conference 51.52.095  
amendments to notice or pleadings 51.52.095

## INDUSTRIAL INSURANCE

### INDUSTRIAL INSURANCE—Cont.

#### Appeals—Cont.

- appearance for conference with board 51.52.095
- authorized 51.52.050
- award
  - by department
    - contents 51.52.050
    - service 51.52.050
  - modification, reversal before appeal 51.52.060
  - notice of appeal 51.52.060
  - of department, service 51.52.050
  - procedure 51.52.050
- board
  - conferences on or before hearing 51.52.095
  - to give notice of the appeal 51.52.060
- change before appeal, effect 51.52.060
- conferences with board
  - admissions of fact 51.52.095
  - agreements 51.52.095
  - amendments to notice or pleadings 51.52.095
  - appearance 51.52.095
  - decision, finality 51.52.095
  - disposal of appeal matters 51.52.095
  - documents, admissions 51.52.095
  - final decision 51.52.095
  - hearing, conference held preceding or during 51.52.095
  - issues, simplification 51.52.095
  - notice of appeal, amendments 51.52.095
  - order of action at conference 51.52.095
  - pleadings, amendments 51.52.095
  - record, to contain conference action 51.52.095
  - settlement 51.52.095
  - simplification of issues 51.52.095
  - subsequent proceedings, effect on 51.52.095
  - time for, before or during hearing 51.52.095
  - witnesses, limitation of expert 51.52.095
- cross-appeal, time 51.52.060
- decision of department
  - contents 51.52.050
  - service 51.52.050
- decisions
  - finality at conference 51.52.095
  - modification, reversal before appeal 51.52.060
  - notice of appeal 51.52.060
  - procedure 51.52.050
- default assessment 51.48.120
- denial on modification 51.52.060
- disposal of appeal matters at conference 51.52.095
- documents, admission, at conference 51.52.095
- evidence, additional before appeal 51.52.060
- filing notice of appeal 51.52.060
- final decision at conference 51.52.095
- format of departmental order, decision, award 51.52.050
- hearings
  - conferences preceding or during 51.52.095
- holding decision, order, or award in abeyance pending appeal 51.52.060
- issues, simplification at conference 51.52.095
- judges
  - mediation expertise 51.52.095
  - limitation on time for, department to board 51.52.050
  - mediation 51.52.095
  - modification
    - before appeal, effect 51.52.060

### INDUSTRIAL INSURANCE—Cont.

#### Appeals—Cont.

- notice of
  - amendments at conference 51.52.095
  - required 51.52.060
- notice to parties 51.52.060
- order
  - containing action at conference 51.52.095
  - decision, award, procedure 51.52.050
  - modification, reversal before appeal 51.52.060
  - notice of appeal 51.52.060
- order of department
  - contents 51.52.050
  - cross-appeal 51.52.060
  - service 51.52.050
- pleadings, amendments at conference 51.52.095
- procedure
  - departmental order, decision, award 51.52.050
  - order, decision, award 51.52.050
  - reconsideration 51.52.050
- reversal
  - before appeal, effect 51.52.060
- service of
  - departmental order, decision, award 51.52.050
  - order, decision, award by department 51.52.050
- settlement at conference 51.52.095
- simplification of issues at conference 51.52.095
- subsequent proceedings, effect of conference on 51.52.095
- time
  - notice of appeal 51.52.060
- time for
  - cross appeals 51.52.060
  - department to board 51.52.050
- withdrawal 51.52.060
- witnesses
  - limitation of expert at conference 51.52.095
- Applications
  - aggravation
    - compensation adjustment 51.32.160
    - time limit 51.32.160
  - compensation
    - aggravation application 51.32.160
  - diminution
    - compensation adjustment 51.32.160
    - time limit 51.32.160
  - permanent partial disability installments, conversion to lump sum 51.32.080
  - termination
    - compensation adjustment 51.32.160
    - time limit 51.32.160
    - time limit on aggravation application 51.32.160
- Assessments
  - penalty
    - failure to keep records 51.48.030
    - failure to make report 51.48.030
    - records, penalty for failure to keep 51.48.030
    - reports, penalty for failure to make 51.48.030
- Assignments
  - benefit of creditors
    - premium, penalty, lien priority 51.16.170
    - lien for premiums, penalty, line priority 51.16.170
- Audits of health care providers
  - authorized 51.36.100
  - powers of department 51.36.110
- Awards
  - holding in abeyance before appeal 51.52.060
  - modification before appeal, effect 51.52.060
  - reversal before appeal, effect 51.52.060

## INDUSTRIAL INSURANCE

### INDUSTRIAL INSURANCE—Cont.

#### Bankruptcy

- lien for premium, penalty, priority 51.16.170
- premium, penalty, lien, priority 51.16.170
- Beneficiaries
  - aggravation
    - application for compensation adjustment 51.32.160
    - time limit for application 51.32.160
  - applications
    - aggravation, application for compensation 51.32.160
  - burial expenses 51.32.050
  - compensation
    - aggravation application 51.32.160
  - death benefits 51.32.050
  - diminution
    - application for compensation adjustment 51.32.160
    - time limit for application 51.32.160
  - invalid surviving spouse, death benefits 51.32.050
  - parents, dependent, death benefits 51.32.050
  - permanent partial disabilities
    - amputation 51.32.080
    - disability without 51.32.080
    - compensation schedule 51.32.080
    - death, lump sum to dependent 51.32.080
    - installments
      - conversion to lump sum 51.32.080
      - lump sum on death 51.32.080
    - monthly payments, when, interest 51.32.080
    - permanent total following permanent partial, compensation 51.32.080
    - second injuries 51.32.080
    - specified 51.32.080
    - unspecified 51.32.080
  - permanent total disabilities
    - compensation schedule 51.32.060
    - death during, payments 51.32.050
  - remarriage of surviving spouse, lump sum 51.32.050
  - temporary total disabilities
    - compensation schedule 51.32.090
    - prerequisites 51.32.090
    - return to available work 51.32.090
  - termination
    - application for compensation adjustment 51.32.160
    - time limit for application 51.32.160
    - time limit on aggravation application 51.32.160
- Benefits
  - aggravation, application for adjustment 51.32.160
  - amputation 51.32.080
  - application on aggravation 51.32.160
  - burial expenses 51.32.050
  - death 51.32.050
  - diminution, application for adjustment 51.32.160
  - monthly payments, when, interest, permanent partial disabilities 51.32.080
  - permanent partial disabilities
    - amputation 51.32.080
    - death, lump sum to dependent 51.32.080
    - installments, conversion to lump sum 51.32.080
    - monthly payments, when, interest 51.32.080
    - permanent total following permanent partial 51.32.080
    - schedule 51.32.080
    - second injuries 51.32.080
    - specified 51.32.080
    - unspecified 51.32.080

## INDUSTRIAL INSURANCE

### INDUSTRIAL INSURANCE—Cont.

Benefits—Cont.  
permanent total disabilities 51.32.060  
death benefit options, elect 51.32.050, 51.32.067  
death during, payments 51.32.050  
permanent total disability  
compensation offset by social security benefits 51.32.225  
personal attendant 51.32.060  
recovery or recoupment of payments made by error, mistake, erroneous adjudication, or fraud 51.32.240  
remarriage of surviving spouse 51.32.050  
second injuries  
pension available despite prior lump sum 51.32.060  
permanent partial 51.32.080  
specified, permanent partial 51.32.080  
temporary total disabilities  
compensation schedule 51.32.090  
duration of payments 51.32.090  
earnings during disability, loss required 51.32.090  
prerequisites 51.32.090  
return to available work 51.32.090  
time lapse required 51.32.090  
wages, effect of receiving 51.32.090  
temporary total disability  
compensation offset by social security benefits 51.32.225  
termination, application for adjustment 51.32.160  
time limit on aggravation application 51.32.160  
total disability  
return to gainful employment, suspend or terminate compensation 51.32.160  
unspecified, permanent partial 51.32.080  
Bonds  
delinquent employers 51.16.150  
employer's default in making payments 51.16.150  
surety on employer's default bond 51.16.150  
Books  
compelling production before department 51.04.040  
inspection by department 51.48.040  
penalty for refusing inspection 51.48.040  
Buildings  
liens for delinquent payments, penalties 51.16.170  
Burial expenses 51.32.050  
Care, treatment, medical aid standards 51.04.030  
Certificate of coverage  
required, exception 51.04.120  
required, penalty 51.48.103  
revocation for failure to pay warrants or taxes 51.48.160  
Certificates  
payrolls, action to recover payments 51.16.170  
Charges, medical aid 51.04.030  
Child  
defined 51.08.030  
Claims  
liens, priority of 51.16.170  
third parties  
actions against for damages 51.24.030  
injury defined 51.24.030  
third party  
priority of lien 51.16.170  
Classes and subclasses  
corrections to distribute burden  
permanent partial disability, installment interest borne by class 51.32.080  
Collection of tax or penalty may not be enjoined 51.52.113

### INDUSTRIAL INSURANCE—Cont.

Community service by offenders  
workers' compensation coverage 51.12.045  
Compensation  
aggravation, application for adjustment 51.32.160  
amputation 51.32.080  
permanent total following permanent partial, compensation 51.32.080  
applications  
aggravation 51.32.160  
burial expenses 51.32.050  
death benefits 51.32.050  
diminution, application for adjustment 51.32.160  
injury after permanent partial disability 51.32.080  
installments, permanent partial, conversion to lump sum 51.32.080  
invalid surviving spouses, death benefits 51.32.050  
medical aid is additional 51.36.010  
monthly payments  
when, interest 51.32.080  
permanent partial disabilities  
death, lump sum to dependent 51.32.080  
schedule 51.32.080  
permanent total disabilities  
death during 51.32.050  
permanent total disability benefits 51.32.060  
personal attendant, payments 51.32.060  
recovery or recoupment of payments made by error, mistake, erroneous adjudication, or fraud 51.32.240  
remarriage of surviving spouse 51.32.050  
second injuries  
pension available despite prior lump sum 51.32.060  
permanent partial 51.32.080  
specified permanent partial 51.32.080  
temporary total disabilities  
compensation schedule 51.32.090  
duration of payments 51.32.090  
earnings during disability, loss required 51.32.090  
prerequisites 51.32.090  
return to available work 51.32.090  
time lapse required 51.32.090  
wages, effect of receiving 51.32.090  
termination, application for adjustment 51.32.160  
time limit on aggravation application 51.32.160  
unspecified permanent partial 51.32.080  
Compensation of victims of crimes 7.68.060, 7.68.080, 7.68.160  
Conferences  
appeal board, matters involved 51.52.095  
mediation 51.52.095  
order of appeal board 51.52.095  
procedure before board 51.52.095  
Contracts  
medical aid, charges limited to fee bill 51.04.030  
Corporations  
penalties  
records, failure to keep 51.48.030  
reports, failure to make 51.48.030  
records, penalty for failure to keep 51.48.030  
reports, penalty for failure to make 51.48.030  
Cost experience  
permanent partial disability, installment interest borne by class 51.32.080  
Costs  
actions against delinquent employers 51.16.150  
delinquent employers, payment of 51.16.150  
employers, payment by delinquent 51.16.150

## INDUSTRIAL INSURANCE

### INDUSTRIAL INSURANCE—Cont.

County auditor, liens, filing claim of 51.16.170  
Court appeal, taxes, penalties, interest 51.52.112  
Courts  
lien for premium, penalty 51.16.170  
premiums, penalties, action in superior court 51.16.170  
temporary total disabilities, order of support of child 51.32.090  
Creditors  
lien for premium, penalty, priority 51.16.170  
premiums, penalty, lien, priority 51.16.170  
Crime victim's compensation 7.68.060, 7.68-.080, 7.68.160  
Crimes  
books, refusal of inspection 51.48.040  
inspection of payrolls, records, effect of refusal 51.48.040  
payrolls  
refusal of inspection 51.48.040  
Cross-appeals  
authorized 51.52.060  
order of department 51.52.060  
Custody  
children, temporary total disabilities 51.32.090  
temporary total disabilities, children 51.32.090  
Death  
benefits payable 51.32.050  
burial expenses 51.32.050  
invalid surviving spouses, benefits available 51.32.050  
permanent partial disabilities, lump sum to dependents 51.32.080  
permanent total disability  
death during payments 51.32.050  
remarriage of surviving spouse 51.32.050  
Decisions  
holding in abeyance before appeal 51.52.060  
modification before appeal, effect 51.52.060  
reversal before appeal, effect 51.52.060  
Default in payments, notices, enforcement, appeal 51.48.120, 51.48.150  
Definitions  
child 51.08.030  
health service provider 51.08.095  
provider 51.08.095  
successor 51.08.177  
Delinquent employers  
action against, by state 51.16.150  
actions for premiums, penalties 51.16.170  
bond after default 51.16.150  
injunction against after default 51.16.150  
liens for premiums, penalties, priority 51.16.170  
penalty for default in payments 51.16.150  
property liens 51.16.170  
surety on default bond 51.16.150  
Delinquent taxes, penalties 51.48.210  
Department of labor and industries  
actions, payrolls, recovery of payments, certificate 51.16.170  
aggravation  
application for compensation adjustment 51.32.160  
time limit for application 51.32.160  
applications  
aggravation, compensation 51.32.160  
award, modification, reversal before appeal 51.52.060  
books  
inspection of 51.48.040  
penalty for refusing inspection 51.48.040  
certificates, action to recover payments due on payroll 51.16.170  
compensation  
aggravation application 51.32.160

## INDUSTRIAL INSURANCE

### INDUSTRIAL INSURANCE—Cont.

Department of labor and industries—Cont.  
conversion to lump sum  
  permanent partial installments to lump sum 51.32.080  
decisions, modification, reversal before appeal 51.52.060  
diminution  
  application for compensation adjustment 51.32.160  
  time limit for application 51.32.160  
evidence, payroll certificate, recovery of payments 51.16.170  
general powers and functions 51.04.030  
inspection of books, records, payrolls 51.48.040  
liens  
  duration 51.16.170  
  filing claim of, time and place 51.16.170  
  foreclosure 51.16.170  
  penalties 51.16.170  
  premiums 51.16.170  
medical aid  
  functions of department 51.04.030  
notices  
  liens, filing claims 51.16.170  
orders  
  modification, reversal before appeal 51.52.060  
payrolls  
  action to recover payments, certificate 51.16.170  
  inspection of 51.48.040  
  penalty for refusing inspection 51.48.040  
penalties  
  inspection of payrolls, records, refusal of 51.48.040  
  records, failure to keep 51.48.030  
  reports, failure to make 51.48.030  
permanent partial disabilities  
  death, lump sum to dependents 51.32.080  
  installments, conversion to lump sum 51.32.080  
  permanent total following permanent partial, computation 51.32.080  
permanent total disabilities  
  permanent total following permanent partial, computation 51.32.080  
premiums  
  liens, priority, actions 51.16.170  
records  
  inspection of 51.48.040  
  penalty for failure to keep 51.48.030  
  penalty for refusing inspection 51.48.040  
reports  
  penalty for failure to make 51.48.030  
termination  
  application for compensation adjustment 51.32.160  
  time limit for application 51.32.160  
time limit on aggravation application 51.32.160  
Dependents  
  burial expenses 51.32.050  
  death benefits 51.32.050  
  invalid surviving spouses, death benefits 51.32.050  
  parents, death benefits 51.32.050  
  permanent partial disabilities  
    amputation 51.32.080  
    disability without 51.32.080  
    compensation schedule 51.32.080  
  death, lump sum to dependent 51.32.080  
  installments, conversion to lump sum 51.32.080  
  monthly payments, when, interest 51.32.080  
  permanent total following permanent partial, compensation 51.32.080

### INDUSTRIAL INSURANCE—Cont.

Dependents—Cont.  
permanent partial disabilities—Cont.  
  second injuries 51.32.080  
  specified 51.32.080  
  unspecified 51.32.080  
permanent total disabilities  
  compensation schedule 51.32.060  
  death during, payments 51.32.050  
  remarriage of surviving spouse, lump sum 51.32.050  
temporary total disabilities  
  compensation schedule 51.32.090  
  prerequisites 51.32.090  
Deposit or bond requirements of employer  
  failure to comply 51.16.115  
  generally 51.16.110  
Diminution  
  application for adjustment 51.32.160  
  compensation adjustment 51.32.160  
  procedure, compensation adjustment 51.32.160  
  time for adjustment application 51.32.160  
Director  
  aggravation  
    application for compensation adjustment 51.32.160  
    time limit for application 51.32.160  
  applications, aggravation, application for compensation 51.32.160  
  compensation, aggravation application 51.32.160  
  diminution  
    application for compensation adjustment 51.32.160  
    time limit for application 51.32.160  
  inspection of payroll, records, effect of refusal 51.48.040  
  penalty for refusing inspection, payrolls, records 51.48.040  
  subpoena power 51.04.040  
  termination  
    application for compensation adjustment 51.32.160  
    time limit for application 51.32.160  
  time limit on aggravation application 51.32.160  
Disability leave supplemental payments limitations 51.32.090  
Discrimination, medical aid 51.04.030  
Division of industrial insurance  
  aggravation  
    application for compensation adjustment 51.32.160  
    time limit for application 51.32.160  
  applications, aggravation, application for compensation 51.32.160  
  compensation, aggravation application 51.32.160  
  diminution  
    application for compensation adjustment 51.32.160  
    time limit for application 51.32.160  
  medical aid powers 51.04.030  
  termination  
    application for compensation adjustment 51.32.160  
    time limit for application 51.32.160  
  time limit on aggravation application 51.32.160  
Druggists, fee bill, medical aid 51.04.030  
Earnings, temporary total disability  
  loss of earnings required 51.32.090  
  wages received during 51.32.090  
Emergency assessment and collection of taxes 51.48.170  
distrain and sale of property 51.48.180  
  conduct of sale 51.48.190

## INDUSTRIAL INSURANCE

### INDUSTRIAL INSURANCE—Cont.

Employers  
bond  
  delinquency in payments, when required 51.16.150  
  surety on default bond 51.16.150  
books  
  inspection of 51.48.040  
  penalty for refusal of inspection 51.48.040  
cost experience  
  permanent partial disability, installment interest borne by class 51.32.080  
crimes  
  refusal to permit payroll record inspection 51.48.040  
delinquency  
  bond after default 51.16.150  
  collection by state 51.16.150  
  default in payments, procedure, penalty 51.16.150  
  injunction after default 51.16.150  
  lien for premiums, penalties, priority 51.16.170  
  payrolls, actions to recover payments 51.16.170  
  penalty for default 51.16.150  
  premiums, liens, priority, actions on 51.16.170  
  surety on default bond 51.16.150  
  transfer of plant invalid 51.16.150  
inspection of payrolls, records, refusal of 51.48.040  
liens  
  actions in superior court 51.16.170  
  duration 51.16.170  
  payroll, failure to file 51.16.170  
  premiums and penalties, priority 51.16.170  
  property subject 51.16.170  
medical aid  
  authorized, extent, duration 51.36.010  
payments  
  delinquency 51.16.150  
payrolls  
  action to recover payments, certificate 51.16.170  
  certificate of department when payments delinquent 51.16.170  
  inspection of 51.48.040  
  penalty for refusal of inspection 51.48.040  
penalties  
  inspection of payroll, records, refusal to allow 51.48.040  
  liens, priority 51.16.170  
  records, failure to keep 51.48.030  
  reports, failure to make 51.48.030  
permanent partial disabilities, cost experience, installment interest borne by class 51.32.080  
premiums  
  actions when delinquent, superior court 51.16.170  
  delinquency  
    bond after default 51.16.150  
    collection by state 51.16.150  
    injunction after default 51.16.150  
    penalty for default 51.16.150  
    surety on default bond 51.16.150  
    transfer of plant invalid 51.16.150  
  liens, when delinquent 51.16.170  
  products, lien for delinquencies 51.16.170  
  property, liens for delinquent payments, penalties 51.16.170  
records  
  inspection of 51.48.040  
  penalty for failure to keep 51.48.030  
  refusal of inspection 51.48.040  
reports  
  penalty for failure to make 51.48.030

## INDUSTRIAL INSURANCE

### INDUSTRIAL INSURANCE—Cont.

Employers—Cont.  
temporary total disabilities  
  compensation schedule 51.32.090  
  duration of payments 51.32.090  
  earnings during disability 51.32.090  
  prerequisites 51.32.090  
  time lapse required 51.32.090  
  wages received during disability 51.32.090  
wages, temporary total disability computation, effect 51.32.090  
Equipment, liens for delinquent payments, penalties 51.16.170  
Erroneous payments  
  unintentionally obtaining, liability 51.48.260  
  willfully obtaining, liability 51.48.250  
Evidence  
  payroll certificate when payments delinquent 51.16.170  
Examinations, records, compelling production before department 51.04.040  
Expenses  
  burial 51.32.050  
Experience rating  
  adjustment 51.24.060  
False statements, concealing information, criminal liability 51.48.270  
Fee bill, medical aid 51.04.030  
Filing  
  aggravation order, readjustment 51.32.160  
  liens, claim of 51.16.170  
Foreclosure, liens for delinquencies 51.16.170  
Funerals, burial expenses 51.32.050  
Health care providers  
  audits  
    authorized 51.36.100  
    powers of department 51.36.110  
  health service provider  
    defined 51.08.095  
  health service providers  
    written verification may be required 51.48.290  
Hearings  
  appeals  
    conference preceding or during 51.52.095  
    mediation 51.52.095  
Hospital treatment  
  authorized in addition to compensation 51.36.010  
  duration, extent 51.36.010  
  fee bill, medical aid services 51.04.030  
  medical aid fund liable 51.36.010  
  physicians, choice of 51.36.010  
Husband  
  temporary total disability of workman, able-bodied husband 51.32.090  
Immunological treatments 51.36.010  
Injunctions  
  delinquent employers 51.16.150  
  employers, delinquent 51.16.150  
Injury  
  defined 51.24.030  
Insolvency  
  lien for premiums, penalty, priority 51.16.170  
  premiums, penalty, liens, priority 51.16.170  
Interest  
  delinquent employers, payment 51.16.150  
  employers, payment by delinquent 51.16.150  
Invalid surviving spouses  
  death benefits 51.32.050  
Invalids  
  permanent total disability benefits 51.32.060  
  permanent total disability payment to workman, spouse 51.32.060  
  spouse of workman, permanent total disability benefits 51.32.060  
Kickbacks, bribes, or rebates, criminal liability 51.48.280

### INDUSTRIAL INSURANCE—Cont.

Leases  
  employers, invalid when delinquent 51.16.150  
Liens  
  administrators, notice to department of appointment 51.16.170  
  assignees, notice to department of appointment 51.16.170  
  attachment date 51.16.170  
  county auditor, filing claim 51.16.170  
  duration 51.16.170  
  filing claim of 51.16.170  
  foreclosure 51.16.170  
  penalties  
    actions 51.16.170  
    priority 51.16.170  
    property subject 51.16.170  
  premiums  
    actions 51.16.170  
    priority 51.16.170  
    property subject 51.16.170  
  receivers, notice to department of appointment 51.16.170  
Limitation of actions  
  aggravation, diminution, termination of disability, compensation 51.32.160  
  application for compensation adjustment, aggravation 51.32.160  
Lump sum  
  medical aid, extent, duration 51.36.010  
Manufacturing  
  liens, products subject to on delinquency 51.16.170  
Mediation of disputes 51.52.095  
Medical aid  
  care, standards 51.04.030  
  charges 51.04.030  
  compensation, medical aid additional 51.36.010  
  contracts  
    fees 51.04.030  
  departmental functions, generally 51.04.030  
  discrimination 51.04.030  
  division of industrial insurance, powers 51.04.030  
  druggists, maximum charges 51.04.030  
  duration, extent 51.36.010  
  extent 51.36.010  
  fee bill 51.04.030  
  rejection 51.04.030  
  fund, charge against limited 51.04.030  
  hospitals, etc., maximum charges 51.04.030  
  order of continuation 51.36.010  
  permanent partial disabilities, duration of medical services 51.36.010  
  permanent total disability, duration of medical services 51.36.010  
  physician, choice of 51.36.010  
  physicians, etc., maximum charges 51.04.030  
  recommendation of particular services and providers 51.04.030  
  records of disability 51.04.030  
  rules, care and treatment 51.04.030  
  supervisor of industrial insurance  
    continuation order 51.36.010  
    order of continuation 51.36.010  
  temporary disabilities, duration of medical services 51.36.010  
  treatment, standards 51.04.030  
  violation of principles 51.04.030  
Medical aid fund  
  bonds, employers on default 51.16.150  
  charges against limited 51.04.030  
  continuation of medical aid, when 51.36.010  
  delinquent payments by employer 51.16.150  
  employers  
    delinquent payments 51.16.150  
    hospital care, duration, extent 51.36.010

## INDUSTRIAL INSURANCE

### INDUSTRIAL INSURANCE—Cont.

Medical aid fund—Cont.  
  medical aid  
    authorized 51.36.010  
    duration, extent 51.36.010  
Medical treatment  
  additional to compensation 51.36.010  
  authorized in addition to compensation 51.36.010  
  duration, extent 51.36.010  
  fee bill, medical aid services 51.04.030  
  medical aid fund liable 51.36.010  
  physicians, choice of 51.36.010  
Minors  
  burial expenses 51.32.050  
  death benefits 51.32.050  
  dependent parents, death benefits 51.32.050  
  permanent partial disabilities  
    compensation schedule 51.32.080  
    parents right to lump sum 51.32.080  
    second injuries 51.32.080  
  permanent total disability  
    death during, payments 51.32.050  
  remarriage of surviving spouse, child payments to continue 51.32.050  
Notice  
  mail or personal service 51.04.082  
Notice of assessment for default in payments, appeal 51.48.120, 51.48.150  
Offenders performing community service  
  workers' compensation and liability insurance coverage 51.12.045  
Order of execution upon property 51.48.220–51.48.240  
Orders  
  aggravation, readjustment 51.32.160  
  holding in abeyance before appeal 51.52.060  
  mail or personal service 51.04.082  
  modification before appeal, effect 51.52.060  
  reversal before appeal, effect 51.52.060  
Papers, compelling production before department 51.04.040  
Payments  
  delinquency, lien for premiums, penalty 51.16.170  
  lien for premiums, penalty 51.16.170  
  made in error, mistake, erroneous adjudication, or fraud 51.32.240  
Payrolls  
  delinquency, action to recover payments 51.16.170  
  inspection by department 51.48.040  
  liens, effect of failure to file report 51.16.170  
  penalty for  
    failure to keep records, make reports 51.48.030  
    refusing inspection 51.48.040  
  records, penalty for failure to keep 51.48.030  
  reports  
    penalty for failure to make 51.48.030  
Penalties  
  action for recovery 51.16.170  
  books, refusal to allow inspection 51.48.040  
  employer's  
    default in making payments 51.16.150  
  liens  
    action for 51.16.170  
    priority 51.16.170  
    property subject 51.16.170  
  payrolls  
    refusal to allow inspection 51.48.040  
  records  
    failure to keep 51.48.030  
    refusal to allow inspection 51.48.040  
  reports, failure to make 51.48.030  
Pension reserve  
  permanent total following permanent partial, computation 51.32.080

## INDUSTRIAL INSURANCE

### INDUSTRIAL INSURANCE—Cont.

**Pensions**  
death benefits 51.32.050  
medical aid, extent, duration 51.36.010  
minors, death benefit to dependent parent 51.32.050  
permanent total disabilities, death during 51.32.050  
permanent total following permanent partial, computation 51.32.080  
remarriage of surviving spouse 51.32.050  
reserve fund 51.32.050  
second injuries, available despite prior lump sum 51.32.060

**Permanent disabilities**  
determination of 51.32.055  
medical bureau 51.32.055  
medical examinations 51.32.055

**Permanent partial disabilities**  
compensation schedule 51.32.080  
installments, conversion to lump sum 51.32.080  
medical aid, extent, duration 51.36.010  
monthly payments, when, interest 51.32.080  
permanent total following permanent partial, compensation 51.32.080  
second injuries 51.32.080  
unspecified disability 51.32.080

**Permanent total disabilities**  
compensation  
amount 51.32.060  
death during, payments 51.32.050  
further accident, pension still payable 51.32.060  
lump sum conversion  
doesn't bar pension for second injury 51.32.060  
medical aid, extent, duration 51.36.010  
personal attendant, amount 51.32.060  
second injuries  
pension still payable 51.32.060  
voluntarily retired, no benefits 51.32.060

**Personal attendants**  
payments allowed 51.32.060  
permanent total disabilities, amount allowed 51.32.060

**Personal property, liens for delinquent payments, penalties 51.16.170**

**Physicians**  
choice of, medical aid 51.36.010

**Plant**  
liens for delinquent payments, penalties 51.16.170

**Posthumous child**  
definition of child 51.08.030

**Premiums**  
accident fund  
bond after employer's default 51.16.150  
delinquent payments by employer 51.16.150  
actions, liens 51.16.170  
bonds, delinquency 51.16.150  
delinquency  
actions in superior court 51.16.170  
bond after default 51.16.150  
collection by state 51.16.150  
injunction after 51.16.150  
liens, priority, action 51.16.170  
penalty, procedure 51.16.150  
penalty for 51.16.150  
property subject to lien 51.16.170  
surety on default bond 51.16.150  
transfer of plant invalid 51.16.150  
injunction after default 51.16.150  
liens  
action for 51.16.170  
priority 51.16.170  
property subject 51.16.170  
medical aid fund  
bond after employer's default 51.16.150

### INDUSTRIAL INSURANCE—Cont.

**Premiums—Cont.**  
medical aid fund—Cont.  
default payments by employer 51.16.150  
penalty for  
default 51.16.150  
failure to keep record 51.48.030  
failure to make report 51.48.030  
records, penalty for failure to keep 51.48.030  
reports, penalty for failure to make 51.48.030

**Probate**  
administrators, notice of appointment 51.16.170  
lien for premium, penalty, priority 51.16.170  
notice to department of appointment as administrator 51.16.170  
premiums, penalty, lien priority 51.16.170

**Procedure**  
award of department 51.52.050  
decision of department 51.52.050  
order of department 51.52.050

**Products, liens, property subject to on delinquency 51.16.170**

**Provider**  
defined 51.08.095

**Real estate, liens for delinquent payments, penalties 51.16.170**

**Records**  
compelling production before department 51.04.040  
disabilities 51.04.030  
employers  
inspection of 51.48.040  
inspection by department 51.48.040  
penalty, refusal to permit inspection 51.48.040  
penalty for  
failure to keep 51.48.030  
refusing inspection 51.48.040

**Recovery or recoupment of payments made by error, mistake, erroneous adjudication, or fraud 51.32.240**

**Reports**  
penalty for failure to make 51.48.030

**Rules**  
medical aid standards 51.04.030

**Sales**  
delinquent employers, invalid transfer 51.16.150  
employers, invalid when delinquent 51.16.150

**Search and seizure of property to satisfy tax warrant or assessment 51.48.200**

**Second injuries**  
pension available despite prior lump sum 51.32.060  
permanent partial disabilities 51.32.080

**Self-insurers**  
application, evaluation fee 51.14.020  
claims closure 51.32.055  
decendent leaving no beneficiaries, payment into supplemental pension fund 51.48.110  
default  
lien created, priority, assessment 51.14.073  
default by self-insurer, director authorized to sue, sell securities, fulfill employer obligations, liability for reimbursement 51.14.060  
payment of compensation upon default 51.14.070  
qualification as self-insurer, security deposit, reinsurance 51.14.020  
self-insurers' insolvency trust 51.14.077  
withdrawal of certification, grounds 51.14.080

### INDUSTRIAL INSURANCE—Cont.

**Service**  
award of department 51.52.050  
decision of department 51.52.050  
departmental action 51.52.050  
order of department 51.52.050

**Service providers**  
demand for repayment 51.52.050

**Spouse**  
able-bodied, permanent total disability to workman's spouse 51.32.060  
permanent total disability payments to workman's spouse 51.32.060

**State**  
actions, premiums, penalty 51.16.170  
actions against delinquent employers 51.16.150  
collections from delinquent employers 51.16.150  
employers, action against when delinquent 51.16.150  
injunction against delinquent employers 51.16.150  
lien for premiums, penalty, priority 51.16.170  
premiums, lien for delinquencies 51.16.170

**Stepchild, defined 51.08.030**

**Successor**  
defined 51.08.177

**Successor liability, taxes, employer quitting or disposing of business 51.16.200**

**Supervisor of industrial insurance**  
medical aid  
continuation of treatment 51.36.010  
powers and duties 51.04.030  
medical aid contracts  
medical aid, continuation of treatment 51.36.010  
permanent total disabilities  
compensation when 51.32.060  
personal attendant 51.32.060

**Supplemental payments, disability leave limitations 51.32.090**

**Supplemental pension fund**  
decendent leaving no beneficiaries, payment into fund by self-insurers 51.48.110

**Sureties**  
delinquent employer's bond 51.16.150  
employer's default bond 51.16.150

**Surgical treatment**  
authorized in addition to compensation 51.36.010  
duration, extent 51.36.010  
fee bill, medical aid services 51.04.030  
medical aid fund liable 51.36.010  
physicians, choice of 51.36.010

**Surviving spouses**  
invalid surviving spouse, death benefits 51.32.050  
remarriage, lump sum payment 51.32.050

**Tax liability of employer quitting or disposing of business 51.16.200**

**Tax warrants, order of execution upon property, procedure, sale 51.48.240**

**Tax warrants**  
order of execution upon property enforcement 51.48.230  
procedure, sale 51.48.220

**Taxes**  
lien for premiums, penalty, on parity 51.16.170  
premium, penalty, lien on parity 51.16.170

**Temporary disabilities, medical aid, extent, duration 51.36.010**

**Temporary total disabilities**  
compensation schedule 51.32.090  
duration of payments 51.32.090  
earnings during disability, loss required 51.32.090  
prerequisites 51.32.090



**INDUSTRIAL INSURANCE—Cont.**  
 Temporary total disabilities—Cont.  
   return to available work 51.32.090  
   time lapse required 51.32.090  
   wages, effect of receiving 51.32.090  
 Temporary total disability  
   voluntarily retired, no benefits 51.32.090  
 Termination  
   application for adjustment 51.32.160  
   procedure, compensation adjustment 51.32.160  
   time for adjustment application 51.32.160  
 Testimony  
   compelling before department 51.04.040  
 Third parties  
   actions at law, against, by injured worker 51.24.030  
   injury defined 51.24.030  
   priority of liens 51.16.170  
   settlement against, division of recovery adjustment of employer's experience rating 51.24.060  
 Transfers  
   delinquent employers, invalid when delinquent 51.16.150  
   employers, invalid when delinquent 51.16.150  
 Underinsured motorist insurance coverage, injured worker 51.24.030  
 Unspecified disabilities  
   amputation, disability without 51.32.080  
   compensation schedule 51.32.080  
   death, lump sum to dependent 51.32.080  
   installments, conversion to lump sum 51.32.080  
   monthly payments, when, interest 51.32.080  
   second injury, permanent partial 51.32.080  
 Victims of crimes, compensation 7.68.060, 7.68.080, 7.68.160  
 Wages  
   temporary total disabilities  
     earnings during disability, loss required 51.32.090  
     receiving wages during disability 51.32.090  
 Witnesses  
   compelling attendance before department 51.04.040  
 Worker  
   share of damages paid in recovery against third parties  
     adjustment of employer's experience rating 51.24.060  
 Workman  
   aggravation  
     application for compensation adjustment 51.32.160  
     time limit for application 51.32.160  
   applications  
     aggravation, application for compensation 51.32.160  
   burial expenses 51.32.050  
   compensation  
     aggravation application 51.32.160  
     death benefits 51.32.050  
     medical aid is additional 51.36.010  
     permanent total disability, amount 51.32.060  
   death benefits payable 51.32.050  
   diminution  
     application for compensation adjustment 51.32.160  
     time limit for application 51.32.160  
   hospital care  
     duration, extent 51.36.010  
   lump sum  
     medical aid, duration, extent 51.36.010  
   medical aid  
     additional to compensation 51.36.010  
     compensation additional 51.36.010

**INDUSTRIAL INSURANCE—Cont.**  
 Workman—Cont.  
   medical aid—Cont.  
     duration, extent 51.36.010  
     extent, duration 51.36.010  
     physician, choice of 51.36.010  
     return to work, continuance of 51.36.010  
     supervisors continuance order 51.36.010  
   pensions  
     medical aid, duration, extent 51.36.010  
   permanent partial disabilities  
     amputation 51.32.080  
     disability without 51.32.080  
     compensation schedule 51.32.080  
     death, lump sum to dependent 51.32.080  
     duration, extent of medical aid 51.36.010  
     installments, conversion to lump sum 51.32.080  
     monthly payments, when, interest 51.32.080  
     permanent total following permanent partial, compensation 51.32.080  
     second injuries 51.32.080  
     specified 51.32.080  
     unspecified 51.32.080  
   permanent total disabilities  
     compensation amount 51.32.060  
     death during, payments 51.32.050  
     duration, extent of medical aid 51.36.010  
     payments when spouse a workman 51.32.060  
     personal attendant 51.32.060  
     personal attendant payments 51.32.060  
     physicians, choice of 51.36.010  
     remarriage of surviving spouse, child payments continue 51.32.050  
   second injuries  
     pension available despite prior lump sum 51.32.060  
   temporary disability, duration, extent of medical aid 51.36.010  
   temporary total disabilities  
     compensation schedule 51.32.090  
     duration of payments 51.32.090  
     earnings during disability, loss required 51.32.090  
     prerequisites 51.32.090  
     return to available work 51.32.090  
     time lapse required 51.32.090  
     wages, effect of receiving 51.32.090  
   termination  
     application for compensation adjustment 51.32.160  
     time limit for application 51.32.160  
   time limit on aggravation application 51.32.160

**INDUSTRIAL ORGANIZATIONS**  
 Nonprofit corporations, authorized 24.03.015

**INDUSTRIAL SAFETY AND HEALTH ACT**  
 Appeal to board  
   citation 49.17.140  
   final order 49.17.140  
   notification of assessment of 49.17.140  
   penalty 49.17.140  
   procedure 49.17.140  
   redetermination 49.17.140  
 Inspections and investigations  
   employer and employee representatives 49.17.100  
 Penalties 49.17.180, 49.17.190  
 Violations  
   penalties  
     civil 49.17.180  
     criminal 49.17.190

**INFORMATION**  
 Defined, for Washington Criminal Code 9A.04.110

**INFORMED AGAINST**  
 Defined, for Washington Criminal Code 9A.04.110

**INJUNCTIONS**  
 Elevators, escalators and dumbwaiters  
   injunction for operation without permit 70.87.140  
 Engineers and land surveyors  
   penalties 18.43.120  
 Industrial insurance, delinquent employers 51.16.150  
 Legal holidays  
   hearing applications and issuance 2.28.100

**INSOLVENTS AND INSOLVENCY**  
 Industrial insurance  
   lien for premiums, penalty, priority 51.16.170

**INSPECTIONS**  
 Boilers and pressure vessels 70.79.320

**INSTALLMENT SALES OF GOODS AND SERVICES**  
 Retail installment contract  
   interest rates, state treasurer to publish in register 63.14.135

**INSTITUTIONS FOR THE MENTALLY ILL (See HOSPITALS FOR MENTALLY ILL)**

**INSTRUCTIONS TO JURY**  
 Legal holidays, giving to jury on 2.28.100

**INSURANCE**  
 Adopted children  
   health care 48.20.500, 48.21.280, 48.44.420, 48.46.490  
   when coverage begins 48.01.180  
 Agents, brokers, and solicitors  
   fire and casualty insurance company agents, business and occupation tax 82.04.280  
   premium funds in a separate account 48.17.600  
   state preemption of taxation of 48.14.020  
 Agents  
   written agreements with companies, cancellation procedures 48.17.590  
 Arson  
   classification of areas 48.53.020  
 Automobile  
   accident prevention course  
     reduction of premium for older insureds completing 48.19.460–48.19.490  
   senior citizens, fifty-five and over  
     premium reduction for accident prevention course 48.19.460–48.19.490  
 Automobile insurance  
   cancellation  
     exceptions permitted 48.18.296  
   nonrenewal  
     exceptions permitted 48.18.296  
 Banks  
   burglary, theft, robbery, insurance against required 30.12.030  
 Cancellation of policies  
   automobile insurance policies 48.18.296  
   insurer 48.18.290

## INSURANCE

### INSURANCE—Cont.

Casualty insurance  
  automobile insurance  
    cancellation  
      exceptions permitted 48.18.296  
    nonrenewal  
      exceptions permitted 48.18.296  
  banks 30.12.030  
  independent general agents, business and occupation tax 82.04.280  
  trust companies 30.12.030  
Casualty rate filing, credit 48.19.450  
Chiropractors  
  health care coverage to include  
    exceptions 48.44.310  
Commissioner  
  examination of health care services agreements 48.44.020  
Day care  
  joint underwriting association, insurers  
    definitions 48.88.020  
    intent 48.88.010  
    membership 48.88.040  
    plan, approval 48.88.030  
    policy, liability limits, rating plan 48.88.050  
    report to legislature 48.88.060  
    rules 48.88.070  
self-insurance  
  annual report 48.90.100  
  approval of plan 48.90.060  
  authority, plan 48.90.030  
  chapter exclusive 48.90.040  
  contracts, terms 48.90.120  
  contributing trust fund 48.90.070, 48.90.090  
  definitions 48.90.020  
  dissolution 48.90.140  
  elements of plan 48.90.050  
  findings and intent 48.90.010  
  implementation of plan 48.90.080  
  modifications to plan 48.90.130  
  powers of association 48.90.110  
  recovery limits 48.90.150  
  suspension of plan, reconsideration 48.90.160  
Fire  
  arson  
    classification of areas 48.53.020  
Fire insurance  
  firemen's pension fund, payment of premium tax into 41.16.050  
  independent general agents, business and occupation tax 82.04.280  
  premium tax  
    distribution, basis for 41.16.050  
    payments into firemen's pension fund 41.16.050  
    volunteer firemen's relief and pension fund, payment into 41.24.030  
Fire losses  
  report of by insurers 48.05.320  
  reporting requirements 48.50.040  
Fire reporting requirements 48.50.040  
Group disability insurance  
  mental health coverage 48.21.240  
Group life insurance  
  fire protection district personnel, power of district to provide 52.12.031  
Health care services  
  agreement for services 48.44.020  
  agreements, disapproval, grounds 48.44.020  
  bonds or sureties for 48.44.030  
  chiropractic services to be included in health care coverage  
    exceptions 48.44.310  
  continuation for former family members 48.44.400

### INSURANCE—Cont.

Health care services—Cont.  
  contractors  
    examination of records for compliance with chapter 48.44.145  
    financial interest in entity regulated 48.44.350  
  contracts of participation  
    definitions 48.44.010  
    filing with commissioner 48.44.080  
    termination notice 48.44.080  
  definitions 48.44.010  
  examination of contract by commissioner for 48.44.020  
  indemnity underwritten by policy 48.44.030  
  investigation and examination of contractors records 48.44.145  
  mental health services 48.44.340  
  mental health treatment 48.21.240  
  modification of agreement, endorsement required 48.44.390  
  nonprofit corporation act, application 24.03.015  
  podiatrists  
    discrimination prohibited 48.44.300  
  podiatry 48.44.300  
    prohibited acts 48.44.020  
  registered nurses, services of 48.44.290  
  termination due to health change prohibited 48.44.410  
Insurers  
  fire losses, reports of to department of community development 48.05.320  
  fire reporting requirements 48.50.040  
  reporting requirements, fire 48.50.040  
  state preemption of field 48.14.020  
Liability insurance  
  insurers to report loss and expense data contents 48.05.390  
Losses, fire  
  report of by insurers 48.05.320  
Marine and transportation insurers, profits tax 48.14.020  
  prepayment requirements 48.14.025  
Medical malpractice  
  osteopathy and surgery  
    settlements and awards, insurers to report 18.57.245  
  physicians and surgeons  
    settlements and awards, insurers to report 18.72.340  
Mental health treatment  
  group disability insurance 48.21.240  
  health services coverage 48.44.340  
Motor freight carriers 81.80.190  
Motor vehicle driver's record  
  contents of record 46.52.130  
  furnished insurance companies upon request, exclusions, limitations on cancellation, nonrenewal, or denial based upon 46.52.130  
  use for underwriting purposes, exclusions, limitations on cancellation, nonrenewal, or denial based upon, penalty for violation 46.52.130  
Motor vehicle insurance  
  cancellations  
    exceptions permitted 48.18.296  
    limitation on cancellation, nonrenewal, or denial based upon driving record 46.52.130  
  driver's record, cancellation, nonrenewal, or denial based upon, limitation 46.52.130  
  market assistance plans 48.22.050  
  nonrenewal  
    exceptions permitted 48.18.296  
  Motor vehicle operator's record furnished insurance companies 46.52.130  
Nonprofit corporation act, excluded from 24.03.015

## INTER. COMM., OUTDOOR REC.

### INSURANCE—Cont.

Podiatrists  
  health care contractors cannot deny payment 48.44.300  
Policies  
  cancellation  
    automobile policies  
      exceptions permitted 48.18.296  
    insurer, effectuation of 48.18.290  
    procedure for 48.18.290  
  nonrenewal  
    automobile policies  
      exceptions permitted 48.18.296  
Premium funds, separate account 48.17.600  
Property and casualty  
  insurers to report loss and expense data 48.05.380  
Refunds  
  cancellations 48.18.290  
Renewal  
  required, exceptions 48.18.290  
Reports, fire, by  
  insurers 48.50.040  
Schools and school districts  
  insurance relative to transporting students, etc. 28A.24.055  
  school buses, powers of directors 28A.24.055  
Self-insurance  
  costs of investigation, review 48.90.170  
State  
  health care insurance programs for employees and officials  
    state employee insurance fund 41.05.040  
Taxes  
  fire or casualty insurance company independent agent, business and occupation tax 82.04.280  
  prepayment requirements 48.14.025  
  state preemption 48.14.020  
Title insurers  
  business and occupation tax, charge or service as retail sale 82.04.050  
Trust companies, burglary, theft, robbery, insurance against required 30.12.030  
Vehicle insurance  
  record of operator, appropriate part of, furnishing to insurance company 46.52.130  
Water recreation facilities  
  insurance required 70.90.230  
Wilful destruction, secretion, injury, etc., of property insured against  
  casualty, etc., penalty 9.91.090  
  fire, casualty, etc., penalty 48.30.220

### INSURANCE COMMISSIONER

Fire losses  
  report of department of community development 48.05.320  
Insurance commissioner regulatory account 48.02.190  
Operating costs of office  
  contributions by insurance organizations 48.02.190  
Public meetings, notices of, contained in state register 34.08.020  
Salary, amount of 43.03.010  
Volunteer firemen's relief and pensions, lump sum disability pension, duties concerning 41.24.160

### INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Committee of nonhighway road recreationists 46.09.280  
Off-road and nonhighway vehicles  
  ORV and nonhighway vehicle account and outdoor recreation account earnings, credit to general fund 46.09.290

**INTER. COMM., OUTDOOR REC.—Cont.**  
 Off-road and nonhighway vehicles—Cont.  
 projects, applications for funds, hearing procedure 46.09.240  
 Off-road and nonhighway vehicles (ORV)  
 committee of nonhighway road recreationists 46.09.280  
 moneys, certain, deposited in outdoor recreation account distributed by 46.09.110  
 refunds from motor vehicle fund 46.09.170  
 state-wide plan for distribution of funds 46.09.250  
 ORV moneys  
 administration and distribution 46.09.240

**INTEREST**

Corporate shares of dissenting shareholder, payment of, interest upon 23A.24.040  
 Industrial insurance  
 delinquent employers, payment 51.16.150  
 Rate of  
 highest rate permissible published in Washington State Register 19.52.025, 34.08.020  
 industrial loans  
 loan over 2 years, 25% maximum 31.04.090  
 Retail installment contract  
 interest rates, state treasurer to publish in register 63.14.135

**INTERNATIONAL OR FOREIGN BANKING INSTITUTIONS**

Banks or trust companies  
 investments in capital stock and surplus, authorized 30.04.380  
 investments in stock or ownership, authorized 30.04.390  
 Trust companies and banks  
 investments in capital stock and surplus, authorized 30.04.380  
 investments in stock or ownership, authorized 30.04.390

**INTERNATIONAL REGISTRATION PLAN**  
 (See MOTOR VEHICLES, subtitle International registration plan)

**INTOXICATING LIQUOR**

Breach of duty imposed by statute, ordinance or rule  
 negligence per se 5.40.050  
 Cities and towns  
 first class, enforcement of state laws 35.22.280  
 second class cities, regulation of 35.23.440  
 vendor appointments 66.08.050  
 Civic centers, class H licenses for dining rooms at 66.24.400  
 Clubs  
 retailer's license  
 class H 66.24.400  
 wine, unconsumed, removal, when 66.24.400  
 Communities, vendor appointments in 66.08.050  
 Dining places on vessels and aircraft, retailer's license  
 class H 66.24.400  
 Drunk driving  
 personal injury, contributory fault 5.40.060  
 wrongful death, contributory fault 5.40.060  
 Effect on competency of witnesses 5.60.050  
 Employees  
 fidelity bonds 66.08.050  
 First class cities, enforcement of state laws 35.22.280  
 Grower's license, fee 66.24.520

**INTOXICATING LIQUOR—Cont.**

Hotels, retailer's license  
 class H 66.24.400  
 wine, liquor, unconsumed, removal, when 66.24.400  
 Licenses  
 class H  
 distribution of funds 66.08.180  
 class P  
 wine retailers license 66.24.550  
 grower's license  
 fee 66.24.520  
 retailers  
 beer  
 sale by minor between the ages of eighteen and twenty-one, limitation 66.44.340  
 wine  
 minors, delivery off premises by, limitation 66.44.340  
 sale by minors between the ages of eighteen and twenty-one years, limitation 66.44.340  
 Liquor control board  
 agency vendors ineligible for state employees retirement system membership 41.40.120  
 bond and oath 66.08.014  
 devotion of time to duties 66.08.014  
 duties relating to state lottery 66.08.050  
 powers, enumeration, generally 66.08.050  
 removal from office 66.08.014  
 terms of office 66.08.014  
 vacancies in office 66.08.014  
 Liquor revolving fund  
 distribution  
 alcoholic rehabilitation centers for 66.08.180  
 University of Washington, Washington State University and department of social and health services 66.08.180  
 Liquor stores  
 leasing of premises 66.08.050  
 locality determination 66.08.050  
 Minors  
 delivery off premises, limitation on 66.44.340  
 sale by minors, limitation on 66.44.340  
 Motor vehicles  
 driving while under the influence of, what constitutes 46.61.502  
 physical control of, under the influence of 46.61.504  
 Personal injury  
 defense, contributory fault 5.40.060  
 Restaurants  
 retailer's license  
 class H 66.24.400  
 wine, unconsumed, removal, when 66.24.400  
 Retailers  
 wine retailers license  
 class P 66.24.550  
 Schools to teach effect of 28A.05.010  
 Vendors  
 appointment in cities and towns 66.08.050  
 Warehouses  
 board's power in regard to 66.08.050  
 Wine retailers license  
 class P 66.24.550  
 Wrongful death  
 defense, contributory fault 5.40.060

**INVESTIGATIONS**  
 Fires, investigation by department of community development, police power 48.48.060  
 Police  
 prosecuting standards 9.94A.440

**INVESTMENTS**

Banks and trust companies  
 international or foreign banking institutions  
 capital stock and surplus, authorized 30.04.380  
 international or foreign banking institutions  
 stock or ownership, authorized 30.04.390  
 Local government surplus public funds  
 administration of chapter by state finance committee 43.250.090  
 annual summary 43.250.080  
 definitions 43.250.020  
 employment of personnel by state treasurer 43.250.050  
 public funds investment account 43.250.030, 43.250.040  
 purpose 43.250.010  
 rules 43.250.060  
 separate accounts for political subdivisions 43.250.070  
 Trust companies and banks  
 international or foreign banking institutions  
 capital stock and surplus, authorized 30.04.380  
 international or foreign banking institutions  
 stock or ownership, authorized 30.04.390  
 Urban arterial bonds 47.26.422  
 Volunteer firemen's relief and pension fund 41.24.030

**IRRIGATION**

Irrigation or stock watering  
 hydraulic permit process 75.20.103

**IRRIGATION DISTRICTS**

Bond issues  
 proposed works  
 generally 87.03.200  
 Elections  
 voter qualifications  
 exception, over fifty percent of land in small individual lots 87.03.071  
 Indebtedness  
 adjustment of  
 claims for money expended by state 87.64.040  
 Insurance  
 pools, liability insurance 48.62.040  
 Legal representation of officers, employees, agents 87.03.158  
 Local improvement districts  
 costs 87.03.505  
 Plats for subdivisions, etc. within district  
 irrigation facilities, requirements 58.17.310

**ISLAND COUNTY**

Superior court judges, number of 2.08.065

**JAIL COMMISSION**

Definitions 70.48.020  
 Local jail improvement and construction account  
 purpose 70.48.120

**JAILS**

City and County Jails Act—1977  
 construction projects  
 state financial assistance  
 board review 70.48.060  
 capacity determination, factors 70.48.200  
 funding limitation, period of 70.48.160  
 payments 70.48.110  
 corrections standards board  
 powers and duties 70.48.050  
 definitions 70.48.020  
 emergency or necessary health care, reimbursement 70.48.130

**JAILS—Cont.**

City and County Jails Act—1977—Cont.  
 local jail improvement and construction account  
     purpose 70.48.120  
     operational authority  
         chief law enforcement officer 70.48.090  
         department of corrections 70.48.090  
         interlocal contracts for jail services 70.48.090  
     standards  
         compliance with, time schedules 70.48.070  
         noncompliance, closure, procedure 70.48.080  
     state financial assistance  
         compliance certification 70.48.330  
 Community service by offenders  
     workers' compensation and liability insurance coverage 51.12.045  
 Consolidation  
     contiguous governing units  
         funding 70.48.060  
 Construction projects  
     state financial assistance  
         board review 70.48.060  
         capacity determination, factors 70.48.200  
         compliance certification 70.48.330  
         funding limitation, period of 70.48.160  
         payments 70.48.110  
 Corrections standards board  
     construction projects  
         state financial assistance  
             commission review 70.48.060  
         powers and duties 70.48.050  
         standards, construction, operation  
             noncompliance, closure, procedure 70.48.080  
         time schedules 70.48.070  
     state building code  
         exceptions 19.27.060  
 County use of state partial confinement facility  
     reimbursement of state 9.94A.190  
 Emergency or necessary health care, reimbursement 70.48.130  
 Improvement and construction  
     bond issue  
         administered by state jail commission 70.48.280  
         authorized, amount, purposes 70.48.260  
     bond issue—1981  
         authorization, amount, uses 70.48A.020  
         proceeds  
             administration by jail commission 70.48A.040  
 Local jail improvement and construction account  
     purpose 70.48.120  
 Offenders performing community service  
     workers' compensation and liability insurance coverage 51.12.045  
 Operational authority  
     chief law enforcement officer 70.48.090  
     interlocal contracts for jail services 70.48.090  
     department of corrections 70.48.090  
 Prisoners  
     testimony obtained, how 5.56.090  
 Reimbursement rates for county use of state facilities 9.94A.190  
 Standards  
     compliance with, time schedules 70.48.070  
     noncompliance, closure, procedure 70.48.080  
     state building code  
         exception 19.27.060  
 State jail commission  
     renovation and remodeling  
     state financial assistance  
         board review 70.48.060

**JAILS—Cont.**

Strip, body cavity searches  
     application of law 10.79.120  
     damages, actions for 10.79.110  
     injunctive relief 10.79.110  
     physical exams for public health purposes are not searches 10.79.160  
     search delayed, nonliability of government for damage 10.79.170  
     uncategorized searches 10.79.140  
     unnecessary persons prohibited at search 10.79.150  
     warrant requirement 10.79.130  
     written record required 10.79.150  
 Strip searches, body cavity searches  
     alternatives, less intrusive 10.79.140  
     reasonable suspicion, probable cause 10.79.130, 10.79.140

**JOB SKILLS PROGRAM**

Vocational education commission  
     function 28C.04.040

**JOINT CENTER FOR HIGHER EDUCATION (See WASHINGTON STATE UNIVERSITY, subtitle Joint center for higher education)**

**JOINT OPERATING AGENCIES**

Administrative auditor  
     appointed by executive board 43.52.378  
 Contracts  
     sealed bids  
         exception 43.52.618  
 Performance audits, reports 43.52.378

**JOINT TENANCY**

Corporations, shares of 23A.08.320

**JUDGES**

Court of appeals  
     salary 2.06.062  
 Defined, for Washington Criminal Code 9A.04.110  
 District courts  
     salaries 3.58.010  
 Mandatory arbitration program  
     judicial positions, certain contingent on program 2.08.067  
 Municipal courts  
     salaries 3.58.010  
 Public employees' retirement system  
     disability in line of duty  
         applicability 41.40.200  
 Retirement  
     disability in line of duty 41.40.200  
 Salaries  
     court of appeals 2.06.062  
     district courts 3.58.010  
     municipal courts 3.58.010  
     superior court judges 2.08.092  
 Superior courts  
     allocation of 2.08.065  
     mandatory arbitration program, certain positions contingent on 2.08.067  
     salaries 2.08.092

**JUDGMENTS**

Banks or trust companies holding, when cease to be asset 30.04.130  
 Cities and towns  
     second class, power to pay 35.23.440  
 Garnishment  
     execution of judgment against  
         defendant 7.33.210  
         garnishee 7.33.210  
 Housing finance commission 4.92.040

**JUDGMENTS—Cont.**

Satisfaction of  
     state, judgments against 4.92.040  
 Second class cities, against, power to pay 35.23.440  
 State, against  
     satisfaction of without execution, payment procedure 4.92.040  
 Tort claims against state  
     copy of judgments sent to risk management office 4.92.040  
     payment of judgment  
         procedure 4.92.160  
         proper charge against agency or department 4.92.170

**JUDICIAL DISTRICTS**

Superior court judges  
     allocation of 2.08.065

**JURIES AND JURORS**

Instruction to  
     legal holidays, giving on 2.28.100  
 Legal holidays  
     requests for instructions 2.28.100  
     verdict received on 2.28.100

**JURISDICTION**

Compulsory school attendance law, court jurisdiction 28A.27.100  
 State, actions against state 4.92.010

**JUSTICE AND INFERIOR COURTS ACT OF 1961**

District court judge  
     full time  
         salaries and expenses 3.58.010  
 Salaries and expenses  
     full time district court judge 3.58.010

**JUSTICES**

Salaries, supreme court justices 2.04.092  
 Supreme court  
     affidavit as condition to salary 2.04.092  
     salaries 2.04.092

**JUSTICES OF THE PEACE**

Legal holidays  
     court closed 2.28.100  
     judicial business prohibited, exceptions 2.28.100  
 Legislative authorities, power as to 36.32.120

**JUSTIFIABLE HOMICIDE**

Public officer 9A.16.040

**JUVENILE COURT**

Disposition standards and security guidelines, published in state register 34.08.020  
 Jurisdiction  
     delinquent juvenile, when 13.40.300  
     eighteenth birthday 13.40.300

**JUVENILES**

Commitment  
     delinquent juvenile  
         commitment of beyond age twenty-one years prohibited 13.40.300  
         jurisdiction after eighteenth birthday 13.40.300  
 Confinement  
     juvenile disposition standards commission  
         duties, members, vacancies, meetings, compensation 13.40.025  
 County juvenile detention facilities  
     policy, humane, safe, and rehabilitative 13.40.038

**JUVENILES—Cont.**

Crisis residential centers  
 placement of child by law officer  
 notice 13.32A.050

Custody  
 law enforcement officer takes child into custody  
 procedure 13.32A.050  
 transporting to responsible adult other than parent 13.32A.070

Disposition standards and security guidelines,  
 published in state register 34.08.020

Facilities  
 state-wide standards for juvenile facilities  
 13.40.036

Families in conflict  
 procedure for, See JUVENILES, subtitle  
 Juvenile court, families in conflict, pro-  
 cedures for

Implementation and enforcement of juvenile  
 justice laws  
 reporting procedure 13.04.460

Juvenile court  
 families in conflict, procedure for  
 maximum time of custody of child  
 13.32A.050  
 taking child into custody  
 transporting to home other than of par-  
 ent  
 immunity from liability 13.32A.070  
 when authorized 13.32A.050

Juvenile disposition standards commission  
 chairman 13.40.025  
 compensation and expenses 13.40.025  
 duties 13.40.025  
 meetings 13.40.025  
 members, terms 13.40.025  
 responsibilities 13.40.027  
 vacancies 13.40.025

Offenses (crimes)  
 community supervision or confinement  
 violations of conditions, penalty 13.40.200  
 confinement  
 places of 13.40.185  
 records, keeping, release, or destruction by  
 juvenile agencies 13.50.050

Records, keeping and release by juvenile agen-  
 cies  
 conditions when filing petition or informa-  
 tion 13.50.010  
 definitions 13.50.010  
 duties 13.50.010  
 juvenile offense records, maintenance, re-  
 lease, or destruction of 13.50.050

Semi-secure facility  
 placement of child by law officer, notice  
 13.32A.050

Sentencing  
 disposition order  
 violation of order 13.40.200  
 juvenile disposition standards commission  
 composition 13.40.025  
 responsibilities 13.40.027  
 restitution  
 violation of order 13.40.200

**KAYAKS** (See WHITEWATER RAFTING)

**KOSHER FOODS**

Federal law, application 69.04.398

**LABOR**

Labor and materials  
 public works, liens 60.28.010

Minors  
 minimum ages for employment 28A.27.010

**LABOR AND INDUSTRIES, DEPART-  
 MENT OF**

Director  
 appointment of 43.17.020

Electrical contractors  
 licensing for by department 19.28.120

Electrical installations  
 adoption of standards 19.28.060  
 electrical inspectors 19.28.070  
 enforcement duties 19.28.070

Electricians  
 certificate of competency  
 examination for  
 duties 19.28.540  
 issuance of 19.28.550  
 temporary permits  
 duties 19.28.570

Health care purchased by state agencies  
 drug purchasing cost controls, drug  
 formularies 70.14.050  
 health care information systems, agencies to  
 establish 70.14.010  
 review of prospective rate setting methods  
 70.14.040  
 utilization review procedures, agencies to es-  
 tablish plan 70.14.030

**LABOR ORGANIZATIONS**

Nonprofit corporation act, excluded from  
 24.03.015

**LAETRILE**

Physician's immunity from disciplinary action  
 for prescribing or administering 70.54.150

**LAND BANK** (See also BANKS AND  
 BANKING, subtitle Land bank)

Advisory committee 31.30.140  
 Corporation laws applicable 31.30.120  
 Definitions 31.30.010  
 Established 31.30.010  
 Funds are not public funds 31.30.130  
 Indebtedness, not a state debt 31.30.130

Loans  
 agricultural needs, leasing 31.30.110  
 based on long-term profitability 31.30.090  
 deferral of payment 31.30.080  
 limitations, security 31.30.070  
 long-term real estate mortgage loans in ru-  
 ral areas 31.30.040  
 origination or service by other entities  
 31.30.100  
 rates and charges 31.30.050

Powers 31.30.020  
 Services, to whom available 31.30.060  
 Stock 31.30.030

**LAND USE**

Street projects  
 construction or improvements, prerequisite  
 to property development  
 alternative financing method 35.72.050

**LANDLORD AND TENANT**

Fire alarms, required 48.48.140

**LARCENY**

Insurance of bank or trust company against  
 required 30.12.030

**LAUNDRIES**

Coin operated, situated in apartment house,  
 hotel, motel, rooming house, trailer camp  
 or tourist camp, not retail sale for purpose  
 of tax 82.04.050

**LAW ENFORCEMENT OFFICERS**

Child abuse  
 report of  
 duties 26.44.030

Criminal justice information act, See CRIMI-  
 NAL JUSTICE INFORMATION ACT

Dependent adults, abuse of  
 report of  
 duties 26.44.030

**LEADING ORGANIZED CRIME**

Limitation of actions 9A.04.080

**LEASES**

County property  
 agricultural fairs 36.34.145

State-owned lands  
 agricultural fairs 36.37.150  
 Northern State Hospital, lands adjacent  
 to 36.37.160

**LEGAL SEPARATION**

Custody of children  
 mediation, confidentiality 26.09.015

**LEGEND DRUGS--PRESCRIPTION  
 DRUGS**

Generic drugs and brand name drugs  
 brand name if requested 69.41.130  
 legislative declaration 69.41.100  
 Legislative recognition and declaration  
 69.41.100  
 Savings in price to be passed on to purchaser  
 when and if substituted 69.41.130

Substitution of  
 permitted, when 69.41.130  
 savings in price to be passed on to purchaser  
 69.41.130

**LEGISLATIVE BUDGET COMMITTEE**

Budget and accounting system  
 examination of books and accounts of agen-  
 cies 43.88.160  
 legislature  
 information furnished to 43.88.160  
 report to 43.88.160  
 post-audit duties and report 43.88.160

Drugless healing  
 study 18.36.010

Purchases, emergency, state officers, etc., du-  
 ties relating to 43.19.200

**LEGISLATIVE COMMITTEE ON ECO-  
 NOMIC DEVELOPMENT** (See ECO-  
 NOMIC DEVELOPMENT, subtitle Leg-  
 islative committee on)

**LEGISLATIVE COUNCIL**

Reports to  
 state committee on agency officials' salaries  
 43.03.028

**LEGISLATIVE TRANSPORTATION COM-  
 MITTEE**

Additional motor vehicle fees for studies by  
 46.16.061

**LEGISLATURE**

Attorneys  
 retention of legislature's own choosing  
 43.10.045

Bills  
 fiscal impact, fiscal notes 43.88A.030  
 fiscal notes, impact on counties, cities Ch.  
 43.132  
 judicial impact, judicial impact notes  
 2.56.120

**LEGISLATURE—Cont.**

Boards and commissions  
 compensation  
   review and report to legislature 43.03.260

Claims against the state  
 housing finance commission 4.92.040  
 payment procedure 4.92.040  
 payments, report of 4.92.040

Composition and organization  
 compensation 43.03.010  
 members  
   compensation 43.03.010

Computer, information processing  
 joint legislative systems committee, See  
 LEGISLATURE, subtitle Joint legisla-  
 tive systems committee

Counsel  
 retention of legislature's own choosing  
 43.10.045

Economic and revenue forecasts  
 submitted by department of revenue  
 82.01.120

Game caused damages, when claim may be re-  
 ferred to legislature for settlement  
 77.12.280

House of representatives  
 judiciary committee  
 judicial impact notes, copies filed with  
 2.56.120  
 members  
   compensation 43.03.010  
   salary 43.03.010  
   travel, per mile, to and from sessions  
   43.03.010  
 speaker  
   medal of merit committee, membership  
   on 1.40.020  
   ways and means committee  
   judicial impact notes, copies filed with  
   2.56.120

Information and communication functions, ap-  
 plicable law 44.68.080

Joint legislative systems committee  
 administrative committee  
 membership 44.68.030  
 powers and duties 44.68.050  
 travel expenses 44.68.090  
 coordinator  
 duties 44.68.040  
 secretary of administrative committee  
 44.68.030  
 created 44.68.020  
 definitions 44.68.010  
 legislative systems revolving fund  
 establishment 44.68.070  
 members, terms, vacancies 44.68.020  
 service center  
 establishment, duties 44.68.060  
 travel expenses 44.68.090

Legislative evaluation and accountability pro-  
 gram committee  
 state budget and accounting system, 1986  
 amendments, review 43.88.899

Low-income energy assistance  
 termination of utility heating service  
 report to legislature 54.16.286, 80.28.011

Members of  
 mileage allowance 43.03.010  
 salary 43.03.010  
   amount of 43.03.010  
 travel, per mile, to and from sessions  
 43.03.010  
 amount of 43.03.010

Puget Sound ferry and toll bridge system, re-  
 funding bonds for, legislature to authorize  
 47.60.400

Reports to  
 attorney general, annual report 43.10.100

**LEGISLATURE—Cont.**

Reports to—Cont.  
 comprehensive emergency management plan  
 community development, department of  
 38.52.035  
 comprehensive state mine rescue plan  
 community development, department of  
 38.52.037  
 higher education coordinating board  
 28B.80.360  
 joint center for higher education 28B.25.060  
 legislative budget committee 43.88.160  
 post-audit and financial affairs by state au-  
 ditor 43.88.160  
 state committee on agency officials' salaries  
 43.03.028  
 tax deferrals for manufacturing, research,  
 and development projects 82.61.070  
 tort claims revolving fund, report by risk  
 management office 4.92.170

Senate  
 judiciary committee  
 judicial impact notes, copies filed with  
 2.56.120  
 members  
   salary 43.03.010  
   travel, per mile, to and from sessions  
   43.03.010  
 president  
   medal of merit committee, membership  
   on 1.40.020  
   ways and means committee  
   judicial impact notes, copies filed with  
   2.56.120

Termination of utility heating service  
 report to legislature 54.16.286, 80.28.011

Utility heating service  
 report 54.16.286, 80.28.011

Vacancies  
 election, when 42.12.040  
 multi-county districts 42.12.050, 42.12.060  
 term of person elected to fill 42.12.030

**LIABILITY**

Building wardens, immunity from 4.24.400

DMSO, physicians, surgeons, immune from  
 70.54.190

"Hold-harmless" agreements, real estate, re-  
 pairs, construction, etc., against public pol-  
 icy, void 4.24.115

Investment securities, registration 62A.8-404

Multiple defendants at fault, joint and several  
 liability 4.22.030

Strip, body cavity searches  
 search delayed, nonliability of government  
 for damage 10.79.170

**LIBRARIES**

Cities and towns  
 first class cities, establishment and mainte-  
 nance of 35.22.280  
 third class cities, establishment and mainte-  
 nance 35.24.290

State library  
 commission  
 duties 27.04.030  
 federal funds, acceptance and expenditure  
 of 27.04.030  
 grant allocation authority 27.04.030  
 management and control of state publica-  
 tions  
 state publications  
   prohibition of, exceptions 40.07.050  
 public libraries  
 blind, contracts to provide services for  
 27.04.030  
 physically handicapped, contracts to pro-  
 vide services for 27.04.030

**LIBRARIES—Cont.**

State library—Cont.  
 state librarian  
   appointed by library commission  
   27.04.030  
 state publications  
   management and control of 40.07.050

**LIBRARY DISTRICTS**

Incorporation of city or town, territory re-  
 moved from district 35.02.180

**LICENSES**

Auctioneers  
 licensing act 18.11.070

Business license center  
 multiagency review  
 jurisdiction consolidation  
 report to governor 19.02.120

Centennial license plates  
 distribution of revenues 27.60.080

Cities and towns  
 first class cities, general power 35.22.280  
 second class cities, generally 35.23.440  
 third class cities 35.24.290  
 towns, general power of granting 35.27.370

Cosmetologists, barbers and manicurists act,  
 See COSMETOLOGISTS, BARBERS,  
 AND MANICURISTS ACT, subtitle  
 Licenses

Counties  
 legislative authorities, powers in regard to  
 36.32.120

Crop dusters 17.21.090, 17.21.120, 17.21.130

Electricians 19.28.120, 19.28.540, 19.28.550,  
 19.28.570, 19.28.610, 19.28.620

contractors  
 bond, conditions, action on, limitation  
 19.28.120  
 fees 19.28.120  
 general and special contractors 19.28.120  
 required 19.28.120  
 revocation or suspension, appeals, grounds  
 19.28.310

installers  
 bond, conditions, action on, limitation  
 19.28.180  
 suit by licensee, valid license condition  
 precedent 19.28.190

Identicards  
 authorized, fee 46.20.117

Motor vehicle special fuel tax, license require-  
 ments 82.38.090

Motor vehicles  
 handicapped  
 decals, cards, plates 46.16.381

Pesticide applicators 17.21.090

Pesticide operators 17.21.120, 17.21.130

Pesticide private-commercial applicators  
 17.21.128

Physicians and surgeons  
 out-of-state licensees engaged with depart-  
 ment of social and health services or de-  
 partment of corrections, limited licenses  
 18.71.095

Pilotage on Puget Sound 88.16.090, 88.16.100

Revocation of licenses  
 committee appointed to hear 43.24.110  
 complaint 43.24.110

Telephone business  
 cities and towns  
 network telephone service 35.21.714  
 toll telephone service, taxable amount  
 35.21.714  
 gross revenue  
 optional code cities 35A.82.060

Tow trucks, capacity fee in addition to and in  
 lieu 46.16.079

## LICENSING, DEPARTMENT OF

Auctioneer's licensing act  
administration of 18.11.060

Business license center  
multiagency review  
jurisdiction consolidation  
report to governor 19.02.120

Confidential license plates  
publicly owned vehicles 46.08.066

Director  
auctioneer's licensing act, duties as to 18.11-  
.200, 18.11.205  
funeral directors and embalmers, powers  
and duties 18.39.181  
motor vehicle law  
amateur radio operators with special li-  
cense plates, director to furnish lists  
of 46.16.340  
prearrangement funeral service contract  
certificate of registration 18.39.290  
vehicle dealer's and manufacturer's licenses,  
powers and duties relating to 46.70.101-  
46.70.120, 46.70.160, 46.70.200

Identicards  
authorized, fee 46.20.117

Licenses  
revocation of, procedure 43.24.110

Publicly owned vehicles  
confidential license plates 46.08.066

Vehicle dealer's license applications, retention,  
confidentiality 46.70.042

## LIENS

Cities and towns  
municipality owned utilities  
enforcement 35.21.300

Common law lien, nonconsensual  
filing, no duty to accept common law lien  
60.70.030

Common law liens, nonconsensual  
intent 60.70.010  
personal property common law liens limited  
60.70.020  
real property common law liens unenforce-  
able 60.70.020  
record, no duty to disclose record of claim  
60.70.040, 60.70.050

Crop liens  
attachment of liens, proceeds 60.11.030  
claim of lien, filing, contents, duration  
60.11.040  
"commercially reasonable" disposition  
60.11.120  
definitions 60.11.010  
foreclosure  
judicial foreclosure 60.11.070  
methods 60.11.060  
rights and interests of purchaser for value  
60.11.090  
summary foreclosure 60.11.080  
time limitation, costs 60.11.130  
lien termination statement 60.11.140  
noncompliance, rights of lien debtor  
60.11.110  
persons entitled to crop liens 60.11.020  
priorities of liens and security 60.11.050  
property subject to liens 60.11.020  
redemption 60.11.100

Dairy products 60.13.035

Investment securities, issuer's lien 62A.8-103  
Issuer's lien, investment securities 62A.8-103

Logging  
claims  
contents 60.24.075  
form 60.24.075  
where filed 60.24.075

Mechanics' and materialmen's  
action to enforce recorded claim 60.04.115

## LIENS—Cont.

Mechanics' and materialmen's—Cont.  
claims  
designation of  
amount due 60.04.090  
property charged 60.04.090  
timber and lumber services 60.04.045

Nonconsensual common law liens  
filing, no duty to accept common law lien  
60.70.030  
intent 60.70.010  
personal property common law liens limited  
60.70.020  
real property common law liens unenforce-  
able 60.70.020  
record, no duty to disclose record of lien  
60.70.040, 60.70.050

Preparer lien  
dairy products 60.13.035

Priority  
liens arising by operation of law 62A.9-310

Public assistance  
grant assistance  
lien against real property 74.04.007  
payments improperly received 74.04.300  
recipients  
medical care, lien to enforce subrogation  
rights 74.09.182  
payment improperly received, when  
74.04.300

Public contractor  
payment of moneys earned  
withheld in lieu of bond 60.28.010  
percentages retained from moneys earned  
60.28.010  
retained percentages 60.28.010

Public works  
contracts exceeding two hundred thousand  
dollars 60.28.010  
labor and material 60.28.010  
materials furnished, procedures 60.28.015  
percentages retained from moneys earned  
contracts exceeding two hundred thou-  
sand 60.28.010  
time period 60.28.010  
trust fund or bank deposit 60.28.010  
retained percentages 60.28.010  
taxes due state 60.28.010  
trust fund, bank deposit or escrow 60.28.010  
creation 60.28.010  
money paid to public contractor  
60.28.010

Securities, issuer's lien 62A.8-103

Timber and lumber  
real property lien for services 60.04.045

## LIEUTENANT GOVERNOR

Public meetings, notices, of, contained in state  
register 34.08.020

Salary, amount of 43.03.010

## LIMITATION OF ACTIONS

Bigamy 9A.04.080

Chiropractor, professional negligence, claims  
arising from 4.16.350

Cities  
actions by 4.16.160

Construction contracts, claims arising on  
4.16.310

Counties  
application of statute of limitations to ac-  
tions by 4.16.160

Crime victim's application for benefits  
7.68.060

Criminal actions  
arson, no limitation 9A.04.080  
crimes, in general 9A.04.080  
crimes punishable by imprisonment in state  
correctional institutions 9A.04.080

## LIMITATION OF ACTIONS—Cont.

Criminal actions—Cont.  
gross misdemeanor 9A.04.080  
murder, no limitation 9A.04.080  
public officers, official duties 9A.04.080

Dentists, professional negligence, claims aris-  
ing from 4.16.350

Healing arts, professional negligence, claims  
arising from 4.16.350

Health maintenance organizations, profession-  
al negligence, claims arising from 4.16.350

Hospital personnel, professional negligence,  
claims arising from 4.16.350

Hospitals, professional negligence, claims aris-  
ing from 4.16.350

Improvement to real property, claims arising  
on 4.16.310

Municipal local improvements  
assessments, foreclosure proceedings  
35.50.050

Municipalities, actions by 4.16.160

Nursing homes, professional negligence, claims  
arising from 4.16.350

Opticians, professional negligence, claims aris-  
ing from 4.16.350

Optometrists, professional negligence, claims  
arising from 4.16.350

Osteopathic physician, professional negligence,  
claims arising from 4.16.350

Osteopathic physician's assistant, professional  
negligence, claims arising from 4.16.350

Pharmacist, professional negligence, claims  
arising from 4.16.350

Physical therapists, professional negligence,  
claims arising from 4.16.350

Physician's assistant, professional negligence,  
claims arising from 4.16.350

Physician's trained mobile intensive care para-  
medic, professional negligence, claims aris-  
ing from 4.16.350

Physicians and surgeons  
professional negligence, claims arising from  
4.16.350

Podiatrists, professional negligence, claims  
arising from 4.16.350

Practical nurse, professional negligence, claims  
arising from 4.16.350

Professional negligence, health care providers,  
claims arising from 4.16.350

Psychologist, professional negligence, claims  
arising from 4.16.350

Public assistance fraud 9A.04.080

Quasi-municipalities, application of statute of  
limitations to actions by 4.16.160

Registered nurse, professional negligence,  
claims arising from 4.16.350

State  
actions by 4.16.160

Tolling of  
criminal actions 9A.04.080

Vehicle business practices act 46.70.190

## LITERARY ORGANIZATIONS

Nonprofit corporations, authorized 24.03.015

## LITTER CONTROL AND RECYCLING

Containers  
food, beverages, use tax exemption  
82.12.0276  
retail sales tax exemption 82.08.0282

## LIVESTOCK

Bulls  
open range  
proportion of bulls to cows 16.20.030  
running at large  
castration 16.20.010  
registered bulls of recognized breed re-  
quired, exception 16.20.020

## LIVESTOCK

### LIVESTOCK—Cont.

Dealer  
provide bond for agent 20.01.210  
Diseases  
diagnostic service program 16.38.060  
Irrigation or stock watering  
hydraulic permit process 75.20.103  
Livestock diseases, diagnostic service program 16.38.060  
Security interests  
filing of financing statement  
fee 16.59.030  
index of statements for publication 16.59.040  
Stock restricted areas  
establishment, procedure 16.24.010  
Theft of 9A.56.080

### LIVESTOCK MARKETS

Complaints by vendor or consignor, or on director's own motion, investigations 16.65.320  
powers of director 16.65.330  
Retail sales tax exemption, feed consumed at 82.08.0296  
Use tax exemption, feed consumed at 82.12.0296

### LOANS

Insurance in connection with credit transactions  
generally Ch. 48.34  
sale, limited license 48.17.190  
Limitations on banks and trust companies 30.04.111  
Public works projects 60.28.010

### LOCAL GOVERNMENT FUNDS

Investment of surplus public funds  
administration of chapter by state finance committee 43.250.090  
annual summary 43.250.080  
definitions 43.250.020  
employment of personnel by state treasurer 43.250.050  
public funds investment account 43.250.030, 43.250.040  
purpose 43.250.010  
rules 43.250.060  
separate accounts for political subdivisions 43.250.070

### LOCAL IMPROVEMENT DISTRICTS

Fire protection districts  
emergency medical purposes  
authorization for 52.20.010  
formation hearing, notice 52.20.020  
cities and towns law, application definitions 52.20.025  
petition  
content 52.20.010  
dismissal or approval 52.20.020  
resolution of board, dismissal or approval 52.20.010, 52.20.020  
Water districts  
resolution or petition to form 57.16.060

### LOCAL IMPROVEMENTS AND ASSESSMENTS

Cities and towns  
assessment rolls  
notice of hearing  
mailing to owner 35.44.090  
publication 35.44.090  
assessments  
first class cities, special 35.22.280

### LOCAL IMP., ASSESS.—Cont.

Cities and towns—Cont.  
first class cities  
authority for special assessments 35.22.280  
second class cities, providing for 35.23.440  
Counties  
sewerage, water and drainage systems assessment roll  
decrease of assessment if other funds available 36.94.280  
Local improvement districts  
assessments  
hearing on protests, order, appeal 36.94.260

### LOCAL UTILITY DISTRICTS

Sewer districts  
assessment rolls  
preparation 56.20.030  
hearing 56.20.030  
petitions or resolutions to form, procedure 56.20.020

### LODGING HOUSES

Tax for stadiums and convention centers 67.28.180

### LOGS AND LOGGING

Small harvesters, timber tax definitions 84.33.073

### LOSSES

Insurance, proof of loss forms  
fire 48.05.320

### LOW-INCOME HOUSING

Cities and towns  
loans and grants 35.21.685  
Counties  
loans and grants 36.32.415

### LOW-INCOME PERSONS

Housing trust fund  
application period, procedure 43.185.070  
compliance monitoring 43.185.090  
definitions 43.185.020  
eligible organizations 43.185.060  
findings 43.185.010  
investment of revenues 43.185.040  
loans or grants 43.185.050  
preconstruction technical assistance 43.185.080  
rule-making authority 43.185.100  
Washington housing trust fund created 43.185.030

### LOW-LEVEL RADIOACTIVE WASTE

Federal low-level radioactive waste policy amendments of 1985, implementation 43.200.180  
Hanford  
site closure and perpetual care 43.200.190

### MAGAZINES

Business and occupation tax on printing and publishing 82.04.280  
Intercepting private conversation 9.73.030

### MAGNESIUM

Retail sales tax, taxation of components used in processing 82.04.050

### MALICE

Defined, for Washington Criminal Code 9A.04.110

## MEDICAL ASSISTANCE

### MALICIOUSLY

Defined, for Washington Criminal Code 9A.04.110

### MALPRACTICE

Hospital board of directors  
liability, limitations 7.70.090  
Medical services  
action for damages  
limitation on 4.16.350

### MANDAMUS

Corporations  
annual meeting 23A.08.250

### MANUFACTURERS

Intoxicating liquor  
liquor control board's interest in 66.08.050

### MARKETS AND MARKETING

Cities and towns  
first class cities, regulating weights and measures 35.22.280  
second class cities, regulation of 35.23.440  
third class cities, establishment and regulation 35.24.290

### MARRIAGE

Husband and wife as witnesses 5.60.060  
Privileged communications 5.60.060

### MARRIED PERSON

Corporations  
dividends, payment to 23A.08.310  
proxy voting by, power to give 23A.08.310  
share transfers by 23A.08.310

### MASON COUNTY

Superior court judges, number of 2.08.065

### MESSAGE OPERATORS AND BUSINESS-ES

Uniform disciplinary act 18.108.076

### MATERNITY HOMES

Fire inspection 18.46.110  
Inspections 18.46.110

### MEDAL OF MERIT

Award  
authority to make 1.40.030  
posthumous 1.40.040  
Design and appearance 1.40.060  
Established 1.40.010  
Nominating committee  
created 1.40.020  
meetings 1.40.020  
membership 1.40.020  
Who may receive 1.40.050

### MEDIATION

Child custody proceedings, confidentiality 26.09.015

### MEDICAL ASSISTANCE

Community property, transfer of income for eligibility 74.09.545  
Eligibility  
community property, transfer of income for eligibility 74.09.545  
Indigents, health care for  
managed health care systems 74.09.522  
Limited casualty program  
community property, transfer of income for eligibility 74.09.545



## MEDICAL ASSISTANCE

### MEDICAL ASSISTANCE—Cont.

Managed health care systems agreements for services to recipients of aid to families with dependent children 74.09.522

### MEDICAL DISCIPLINARY BOARD

Definitions 18.72.020  
Insurance, professional liability insurance malpractice settlements and awards, insurers to report 18.72.340  
Malpractice settlements and awards professional liability insurers must report 18.72.340  
Membership 18.72.040  
Rules 18.72.150  
Uniform disciplinary act 18.72.154  
Unprofessional conduct, physicians and surgeons have a duty to report 18.72.165  
Unprofessional conduct, reports, immunity for 18.72.265

### MEDICAL EXAMINERS, BOARD OF

Uniform disciplinary act 18.71.019

### MEDICAL EXAMINERS

Forensic pathology fellowship program death investigations account disbursements 43.79.445  
State toxicological laboratory 68.08.107

### MEDICAL MALPRACTICE

Hospitals  
medical malpractice prevention program 70.41.200  
physician's privileges, hospital to review past 70.41.230  
physician's privileges restricted, report to disciplinary board 70.41.210, 70.41.220  
Osteopathy and surgery insurance, settlements and awards, insurers to report 18.57.245  
unprofessional conduct duty to report 18.57.174  
Physicians and surgeons duty to report unprofessional conduct 18.72.165  
insurance, settlements and awards, insurers to report 18.72.340

### MEDICAL PROGRAM DIRECTORS

Certification 18.71.212  
Immunity from acts or omissions done in good faith 18.71.215  
Termination, temporary delegation of authority 18.71.213

### MEDICAL SCHOOLS

State toxicological laboratory, establishment 68.08.107

### MEDICINES

DMSO prescription, administration permitted 70.54.190  
Insulin other medically prescribed devices, items, retail sales tax exemption 82.08.0283  
use tax exemption 82.12.0277  
Laetrile physician's immunity from prescribing or administering 70.54.150

### MEETINGS AND ASSEMBLIES

Open public meetings executive sessions authority 42.30.110

### MEETINGS AND ASSEMBLIES—Cont.

Open public meetings—Cont.  
executive sessions—Cont.  
subject matter 42.30.110  
Public notices  
state register, contained 34.08.020  
state agencies  
state register, contained in 34.08.020  
state elected officials, certain  
state register, contained in 34.08.020

### MENTAL HEALTH

Insurance coverage optional 48.21.240, 48.44.340, 48.46.290  
Minors mental health services for minors treatment information concerning confidentiality of 71.34.200 disclosure of 71.34.200, 71.34.220

### MENTAL HEALTH SERVICES

Professionals, waiver of postgraduate educational requirements 71.24.260

### MENTAL HEALTH SERVICES ACT

Children  
county authority powers and duties 71.24.045  
county to identify children, funds, costs 71.24.049  
definitions 71.24.025  
grants to counties, early intervention, primary prevention 71.24.155  
identification of children, funds, and costs 71.24.039  
legislative intent 71.24.015  
social and health services, department of, duties 71.24.035  
County authority 71.24.035 powers and duties 71.24.045  
Definitions 71.24.025  
Grants to counties 71.24.155  
Legislative intent 71.24.015  
State mental health authority 71.24.035

### MENTAL ILLNESS

Insurance coverage optional 48.21.240, 48.44.340, 48.46.290  
Involuntary treatment additional confinement duration 71.05.280 grounds 71.05.280 additional intensive treatment cost 71.05.320 petition for 71.05.290 judicial determination of need for additional intensive treatment custody, duration of 71.05.320 custody options 71.05.320 order of commitment 71.05.320 modification of order 71.05.335 release notice to prosecuting attorney 71.05.325, 71.05.330, 71.05.340  
Patients, confidentiality of all records, disclosure 71.05.390

### MENTALLY ILL

Restraining of, use of force, when lawful 9A.16.020  
Witnesses effect on competency of witness 5.60.050

### METHADONE TREATMENT CENTERS

Program certification 69.54.030  
State-wide standards 69.54.035

## MOTOR VEHICLE FUND

### METROPOLITAN PARK DISTRICTS

Indebtedness computation of indebtedness 39.36.030  
Property tax excess levies authorized 84.52.052

### MIDWIFERY

License application for eligibility, training, and education requirements 18.50.040  
Student midwife permits 18.50.040  
Uniform disciplinary act 18.50.126

### MILITIA AND MILITARY AFFAIRS

Officers review of retention potential 38.12.170

### MINORS

Communication with a minor for immoral purposes 9.68A.090  
Crimes relating to statutory rape first degree 9A.44.070  
Intoxicating liquor delivery of beer and wine purchased off premises, limitation 66.44.340 sale by minors between the ages of 18 and 21 years, limitation 66.44.340  
Tort claims against state, filing 4.92.100

### MISDEMEANORS

Charitable solicitations, violations 19.09.275

### MISREPRESENTATION

Charitable solicitations name of another person, use prohibited, when 19.09.230  
use of similar or related names, symbols, or statements 19.09.240

### MOBILE HOMES

Mobile home movement permits and decal or license plates license plate issuance, permitted 46.44.170  
Mobile home movement permits or license plates property tax payment certificate, required 46.44.170  
special permit and decal fee 46.44.170  
required, state, local 46.44.170  
Special movement decal requirements 46.44.170

### MOTELS

Business and occupation tax, charge for lodging as retail sale 82.04.050  
Tax for stadiums and convention centers 67.28.180

### MOTOR VEHICLE FUEL

Retail trading practices, See GASOLINE, subtitle Retail trading practices

### MOTOR VEHICLE FUND

Allocations to counties distribution of 46.68.100  
Cities and towns, allocation of proceeds 46.68.100  
Confiscated property on highway right-of-way, proceeds from sale paid to allocation of proceeds 46.68.100  
License fees of motor vehicle dealers and manufacturers to go into 46.70.061

## MOTOR VEHICLE FUND

### MOTOR VEHICLE FUND—Cont.

- Licenses of vehicles, moneys from paid into 46.68.030
- Moneys
  - accruing from sale of vehicle licenses to go into 46.68.030
- Net tax amount
  - allocation 46.68.100
- Puget Sound capital construction account
  - prior charge against funds in fixed, repayment 47.60.420
- Puget Sound capital construction account created, uses 47.60.505

### MOTOR VEHICLES

- Blood alcohol content test
  - refusal is admissible evidence 46.61.517
- Blood or breath tests for intoxication
  - implied consent 46.20.308
  - refusal may be used in criminal trial 46.20.308
- Blood tests for intoxication
  - authorized 46.61.506
- Bond requirement for manufacturer's licenses 46.70.070
- Breath tests for intoxication
  - authorized 46.61.506
  - right to result of tests 46.61.506
  - who may administer 46.61.506
- Buses
  - passenger, flares and warning devices carried 46.37.440
  - school buses
    - insurance 28A.24.055
    - special lighting equipment on vehicle license and plates, inspection requisite 46.16.020
- Camper units
  - as exempt from gross weight fees 46.16.111
  - equipment requirements 46.37.430
  - safety glazing material for 46.37.430
- Centennial license plates
  - design 46.16.650
  - fleet issuance 46.16.660
  - issuance 46.16.650
  - revenues 46.16.650
- Certificate of license registration
  - certificate of ownership as prerequisite to issuance of 46.12.020
  - endorsement 46.16.260
  - publicly owned or leased vehicles 46.16.020
  - residents required to register 46.16.028
  - security interest
    - perfection
      - requirements, time, out of state vehicles 46.12.095
    - transfer of interest
      - withholding because of defective equipment 46.32.010
- Certificate of ownership
  - license registration or license plates, certificate as prerequisite for issuance of 46.12.020
  - off-road and nonhighway vehicles 46.12.045
  - out-of-state transfer, dealer's duty to furnish mileage reading 46.12.125
  - unlawful to allow unauthorized person to drive 46.12.020
- Commission on equipment
  - motorcycle equipment
    - goggles or face shield, regulation and specifications adopted by commission 46.37.530
    - helmets, regulation and specifications adopted by commission 46.37.530
    - mirrors, regulation and specifications adopted by commission 46.37.530
- Cook or bunk house trailers used for animal herding, exempt from licensing requirement 46.16.010

### MOTOR VEHICLES—Cont.

- Crimes relating to
  - blood alcohol content test
    - refusal is admissible evidence 46.61.517
  - dealer's licenses 46.70.070
  - drivers' training schools
    - violations 46.82.320
  - driving while under the influence of liquor, drugs 46.61.502
  - enforcement
    - wilfully violating written and signed promise to appear in court after receiving traffic citation 46.64.020
  - equipment requirements
    - motorcycles
      - mirrors 46.37.530
    - sale or use of lamps or equipment not approved by commission on equipment 46.37.310
    - siren, bell or whistle, use of when not permitted 46.37.380
    - tire requirements, metal studs, or chains 46.37.420
    - vehicle for transportation of explosives, flammable liquids or compressed gases operating while carrying flares, fuses or signals produced by flame prohibited 46.37.440
    - operating without electric lanterns or portable reflectors 46.37.440
    - vehicle having protuberances on tires other than of rubber, operating 46.37.420
    - vehicle without pneumatic rubber tires, operating, school bus and fire department exception 46.37.420
  - inspection
    - operating
      - damaged vehicle 46.32.070
      - vehicle found defective in equipment 46.32.060
    - interfering with
      - transfer of license certificate and plates on sale or transfer of vehicle 46.16.290
  - manufacturer's licenses 46.70.170, 46.70.180
  - operating vehicle in reckless manner
    - embracing another while driving as 46.61.655
  - operating vehicle under influence of intoxicants or drugs 46.61.506
  - operating vehicle with
    - gross weight improperly marked thereon 46.16.170
  - operating vehicle without carrying certificate of license registration therein 46.16.260
  - license and display plates 46.16.010
  - operating vehicle without certificate of license registration 46.16.260
  - permitting escape of load materials 46.61.655
  - physical control of, while under the influence of liquor, drugs 46.61.504
  - sales-dealers' licenses
    - acting as same without license 46.70.021
  - throwing debris from moving vehicle 46.61.655
  - unfair motor vehicle business practices, violations 46.70.021, 46.70.180, 46.70.190
  - unlawful disclosure of contents of abstract of motor vehicle driver's record 46.52.130
- Damaged vehicle, inspection, violations relating to 46.32.070
- Debris, etc., littering highways 46.61.655

### MOTOR VEHICLES—Cont.

- Decals, card, plates, special, unauthorized use of for disabled drivers, parking privilege 46.16.381
- Definitions
  - dealer 46.70.011
  - tractor 46.04.650
  - truck 46.04.653
  - truck tractor 46.04.655
- Disability benefits
  - motor vehicles, driving ability certificate, evidence concerning disability 46.20.041
- Driver education courses
  - in schools 46.20.055
- Drivers' licenses
  - administrative revocation 46.20.308
  - applications for licenses
    - instruction permit 46.20.055
  - blood alcohol content test
    - refusal is admissible evidence 46.61.517
    - blood and breath tests for intoxication
      - refusal may be used in criminal trial 46.20.308
  - disability, driving ability certificate, evidence for retirement benefits 46.20.041
  - disabled persons 46.20.041
  - identificards 46.20.117
  - implied consent law
    - effect 46.61.506
    - procedures 46.20.308
  - instruction permits 46.20.055
  - examination waivable, driver's education enrollees 46.20.055
  - mentally disabled persons 46.20.041
  - permits
    - instruction permit 46.20.055
    - temporary driver's permit 46.20.055
  - physically or mentally disabled persons
    - demonstration of ability 46.20.041
    - doctor's certificate 46.20.041
    - restricted license 46.20.041
  - presumptions, analysis
    - tests of alcoholic content of blood or breath 46.61.506
  - restricted license 46.20.041
  - suspension, revocation or cancellation of
    - breath or blood test, implied consent, failure to take 46.20.308
  - suspension
    - driving under influence of intoxicants or drugs as grounds for 46.61.506
  - temporary instruction permit 46.20.055
  - violations relating to
    - restricted license, driving in violation of 46.20.041
- Drivers' training schools
  - definitions relating to 46.82.280
  - instructor's license
    - application 46.82.320
    - fee 46.82.320
    - requirements 46.82.320
  - left-hand lane, usage information required 46.82.430
  - violations, penalty 46.82.320
- Driving while under the influence of intoxicating liquor or drugs
  - refusal of blood alcohol test
    - admissible evidence 46.61.517
    - what constitutes 46.61.502
- Drugs
  - driving while under the influence of 46.61.502
  - physical control of, under the influence of 46.61.504
- Equipment requirements
  - buses
    - passenger 46.37.440
  - camper units, safety glazing materials, requirement 46.37.430

## MOTOR VEHICLES

### MOTOR VEHICLES—Cont.

#### Equipment requirements—Cont.

- chains or studded tires, when required, penalty 46.37.420
- flares and other sight warning devices
  - trucks, passenger buses and truck tractors, for 46.37.440
- helmets, goggles, etc., motorcycles 46.37.530, 46.37.535
- horns and other sound warning devices 46.37.380
- theft alarm signal device 46.37.380
- lamps and illuminating devices
  - approval 46.37.320
  - commission duties 46.37.310
- mounting of
  - approval
    - commission duties 46.37.310
- mirror requirements 46.37.530
- motor-driven cycles 46.37.530
- motorcycles
  - helmet, goggles, face shield 46.37.530, 46.37.535
  - mirrors 46.37.530
  - safety glazing materials for doors, windows, and windshields 46.37.430
  - tinted glass windows 46.37.430
  - tire requirements 46.37.420
  - windshield requirements
    - safety glazing materials 46.37.430
    - tinted glass 46.37.430

#### Evidence

- intoxication
  - implied consent 46.20.308
  - scientific tests 46.61.506
- operating under influence of intoxicants, evidence of alcohol in blood 46.61.506
- refusal of blood alcohol content test is admissible 46.61.517

#### Explosives

- flammable liquids or compressed gases, vehicle for transportation of
  - operating while carrying flares, fuses or signals produced by flame prohibited 46.37.440
  - operating without electric lanterns or portable reflectors 46.37.440

#### Farm vehicle license, operating under in violation of limitations thereon 46.16.090

#### Farm vehicles

- exemption, limitation 46.16.010

#### Fees

- additional fees to defray cost of studies by legislative transportation committee and highway commission 46.16.061
- circus vehicles 46.16.080
- converter gears
  - optional methods of licensing 46.16.083
  - disposition of 46.68.030
- house-moving dollies 46.16.060
- identcards 46.20.117
- interstate commercial vehicles
  - less than year permit 46.88.010
- license classification, fee upon change in 46.16.280
- motor vehicles
  - auto stages
    - maximum gross weight fee 46.16.070
    - how computed 46.16.111
  - for hire vehicles
    - maximum gross weight fee 46.16.070
    - how computed 46.16.111
  - stages
    - maximum gross weight fee 46.16.070
    - how computed 46.16.111
- plates
  - dealers' and manufacturer's 46.70.061
  - replacement 46.16.270
  - sales-dealers' licenses and plates 46.70.061

### MOTOR VEHICLES—Cont.

#### Fees—Cont.

- tow trucks, capacity fee in addition to and in lieu 46.16.079
- trailers
  - converter gears used with
    - optional methods of licensing 46.16.083
  - maximum gross weight fees on trailers, semitrailers and pole trailers
    - farm vehicles, excluding fish and forestry products 46.16.090
    - fixed load machines, capacity fee in addition to and in lieu 46.16.080
    - monthly tonnage license 46.16.135
    - overloading licensed capacity, additional license fee 46.16.140
- trucks, truck tractors
  - converter gears used on two-axle tractor
    - optional methods of licensing 46.16.083
  - maximum gross weight fees on 46.16.070
  - farm vehicles, excluding fish and forestry products 46.16.090
  - fixed load machines, capacity fee in addition to and in lieu 46.16.080
  - how computed 46.16.111
  - monthly tonnage license 46.16.135
  - overloading licensed capacity, additional license fee 46.16.140
  - travel trailer, horse trailer, boat trailer, exception 46.16.111
  - maximum gross weight fee 46.16.070
  - how computed 46.16.111
  - vehicle license 46.68.030

#### Fleets

- centennial license plates 46.16.660

#### Habitual traffic offenders act

- alcoholism, drug addiction, stay of license revocation, treatment 46.65.060
- departmental findings
  - revocation of operator's license 46.65.060
- habitual offender, defined 46.65.020
- period during which license not to be issued
  - habitual offender 46.65.070
- petition for restoration of operator's license
  - after five years 46.65.100
  - after two years 46.65.080
- reinstatement of driving privilege 46.65.080, 46.65.100
- revocation of license
  - procedure 46.65.065
  - stay authorized 46.65.060
- short title 46.65.910
- state policy enunciated 46.65.010
- transcript or abstract of conviction record as prima facie evidence 46.65.030
- certified 46.65.030
- hearing, departmental 46.65.030
- unlawful operation of motor vehicle by habitual offender 46.65.090
- jurisdiction 46.65.090
- mandatory jail sentence, certain offenses 46.65.090
- penalty 46.65.090

#### House-moving dollies, license fee 46.16.060

#### Identcards

- issuance, proof of identity, fee 46.20.117

#### Implied consent law

- blood or breath tests for intoxication
  - appeal 46.20.308
  - hearing on revocation for failure to take test 46.20.308
  - notice of hearing 46.20.308
  - revocation or suspension of driver's license for failure to take test 46.20.308
- intoxicating liquor, driving under influence of
  - blood or breath tests 46.61.506
  - evidence of 46.61.506
  - presumptions as to alcoholic content of blood or breath 46.61.506

### MOTOR VEHICLES—Cont.

#### Implied consent law—Cont.

- intoxicating liquor, driving under influence of—Cont.
  - refusal to submit to analysis of blood, results in loss of license 46.61.506
  - taken by analysis of blood or breath 46.61.506
  - procedures 46.20.308
- Indians
  - vehicle licensure 46.16.020, 46.16.022
- Inspection
  - administration of program 46.32.020
  - buses, private, common, and contract carriers
    - administration of program 46.32.010
    - damaged vehicles 46.32.070
    - operating vehicle found defective in equipment 46.32.010
    - prohibited practices 46.32.050
    - violations relating to 46.32.010
    - withholding or securing certificate of license registration and plates of defective vehicles 46.32.010
  - damaged vehicle, when 46.32.070
  - establish inspection stations, authority, eminent domain 46.32.010
  - free 46.32.040
  - operating vehicle found defective in equipment 46.32.060
  - repair of equipment, violations relating to 46.32.050
  - violations relating to 46.32.050, 46.32.060
  - when 46.32.040
- Inspection of buses, private, common, and contract carriers
  - administration of program 46.32.020
  - free 46.32.040
  - when 46.32.040
- Instruction permits
  - age limit, restrictions 46.20.055
- Insurance
  - cancellation and nonrenewal 48.18.296
- International registration plan
  - applicability, implementation 46.87.010
  - disposition of license fees 46.68.030
  - farm vehicles, gross weight fees 46.16.090
  - fees, additional 46.16.061
  - license fees generally 46.16.060
  - license plate replacement, apportioned vehicles 46.87.090
  - monthly license fee 46.16.135
  - part-year registration, credit for unused fees 46.87.030
  - trailers, commercial, converter gear
    - fee in lieu 46.16.085
  - transfer of license plates
  - traffic infraction 46.16.088
  - trucks, buses, for hire vehicles
    - license fees 46.16.070
- Interstate commercial vehicles, single cab cards
  - less than year permits, authorized term, fees 46.88.010
- Intoxicating liquor, driving, or in physical control of vehicle, under influence of, or drugs admission of other evidence not precluded 46.61.506
- alcoholic content of blood or breath 46.61.506
- blood alcohol content test
  - refusal is admissible evidence 46.61.517
- evidence, analysis of blood, breath, etc. 46.61.506
- refusal to submit to analysis of blood effect 46.61.506
- right to
  - have own test 46.61.506
  - results of test 46.61.506
- what constitutes 46.61.502, 46.61.504

**MOTOR VEHICLES—Cont.**

Intoxicating liquor, driving, or in physical control of vehicle, under influence of, or drugs—Cont.  
 who may administer test 46.61.506  
 Intoxicating liquor, driving, or in physical control of vehicle, under influence of breath or blood tests, implied consent law 46.20.308  
 evidence, chemical analysis of blood, breath, etc. 46.20.308  
 implied consent to blood and breath tests 46.20.308  
 nonresidents, implied consent law, application 46.20.308  
 refusal to submit to chemical analysis of blood or breath  
     may be used in criminal trial 46.20.308  
     penalty 46.20.308  
 revocation of license, failure to take blood or breath test 46.20.308  
 suspension or revocation of license, failure to take blood or breath test 46.20.308  
 Left-hand lane  
     instructions for proper usage 46.20.095  
     traffic safety education courses in schools to teach use 28A.08.080  
     usage instructions required 46.82.430  
 Left-hand lane usage 46.61.100  
 License plates  
     transfer of plates  
         traffic infraction 46.16.088  
 Licenses  
     amateur radio operator's vehicles, for licensee's services to be utilized 46.16.340  
     certificate of ownership  
         prerequisite to issuance of 46.12.020  
     circus vehicles 46.16.080  
     cook or bunk house trailers used for animal herding, as exempt 46.16.010  
     disabled person, special decals, cards, plates for, parking privilege 46.16.381  
     reciprocity with other jurisdictions 46.16.390  
     failure to make initial registration, penalty 46.16.010  
     failure to renew registration, penalty 46.16.010  
     farm equipment, as exempt 46.16.010  
     farm vehicles  
         exemption, limitations 46.16.010  
     fees, generally 46.16.060  
         auto stages  
             maximum gross weight fee 46.16.070  
             how computed 46.16.111  
         converter gears  
             optional methods of licensing 46.16.083  
             disposition of 46.68.030  
             distribution of proceeds 46.16.060  
         for hire vehicles  
             maximum gross weight fees 46.16.070  
             how computed 46.16.111  
             house-moving dollies 46.16.060  
             license classification, fee upon change in 46.16.280  
         plates  
             replacement 46.16.270  
         stages, for hire vehicles  
             maximum gross weight fee 46.16.070  
         trailers  
             converter gears used with  
                 optional methods of licensing 46.16.083  
             maximum gross weight fees on trailers, semitrailers and pole trailers  
                 farm vehicles, excluding fish and forestry products 46.16.090  
                 fixed load machines, capacity fee in addition to and in lieu 46.16.080  
                 monthly tonnage license 46.16.135

**MOTOR VEHICLES—Cont.**

Licenses—Cont.  
 fees, generally—Cont.  
     trailers—Cont.  
         maximum gross weight fees on trailers, semitrailers and pole trailers—Cont.  
             overloading licensed capacity, additional license fee 46.16.140  
     trucks, truck tractors  
         converter gears used on two-axle tractor  
             optional methods of licensing 46.16.083  
         maximum gross weight fees on 46.16.070  
             farm vehicles, excluding fish and forestry products 46.16.090  
             fixed load machines, capacity fee in addition to and in lieu 46.16.080  
             how computed 46.16.111  
             monthly tonnage license 46.16.135  
             overloading licensed capacity, additional license fee 46.16.140  
         other than gasoline powered  
             maximum gross weight fees 46.16.070  
                 how computed 46.16.111  
     fleet vehicles, proportional registration, fees 46.85.130  
     forklifts, exempt, when 46.16.010  
     gross weight  
         to be marked on vehicle 46.16.170  
     Indians 46.16.020, 46.16.022  
     license and plates required 46.16.010  
     license classification, procedure upon change in 46.16.280  
     monthly tonnage licenses 46.16.135  
     nonroadworthy vehicle, state immune from civil liability 46.16.012  
     overloading licensed capacity 46.16.140  
     plates  
         amateur radio operators 46.16.340  
         centennial  
             distribution of revenues 27.60.080  
         dealer's and manufacturer's license plates 46.70.061  
         personalized  
             design 46.16.570  
             rules, authority 46.16.276  
             withholding because of defective equipment 46.32.010  
         publicly owned or leased vehicles  
             as exempt 46.16.020  
             assignment of plates 46.16.020  
         renewal  
             staggered periods 46.16.225  
         residents required to register 46.16.028  
         rules, authority 46.16.276  
         sale or transfer of vehicle, license certificate and plates follow vehicle  
             exceptions 46.16.290  
         "special highway construction equipment" as exempt 46.16.010  
         special mobile equipment, as exempt 46.16.010  
         spray or fertilizer application rigs exempt 46.16.010  
         stages, for hire vehicles, sale or transfer of, right to retain load license or seat license 46.16.280  
         staggered renewal periods 46.16.225  
         tabs  
             replacement 46.16.270  
         trailers  
             maximum gross weight fees on trailers, semitrailers and pole trailers  
                 farm vehicles, excluding fish and forestry products 46.16.090

**MOTOR VEHICLES—Cont.**

Licenses—Cont.  
 trailers—Cont.  
     maximum gross weight fees on trailers, semitrailers and pole trailers—Cont.  
         fish and forestry products excluded  
             from lower rate provision 46.16.090  
         fixed load machines, capacity fee in addition to and in lieu 46.16.080  
         monthly tonnage license 46.16.135  
         overloading licensed capacity, additional license fee 46.16.140  
         sale or transfer of, credit for unused fee 46.16.280  
     trucks, truck tractors  
         maximum gross weight fees, house trailer, horse trailer, boat trailer, exception 46.16.111  
         sale or transfer of, credit for unused fee 46.16.280  
     windshield emblems, replacement of 46.16.270  
 Littering highways 46.61.655  
 Load materials, permitting escape of 46.61.655  
 Maximum gross weight license endorsement 46.16.260  
 Mobile home and travel trailer dealers defined, for purposes of unfair vehicle business practices act 46.70.011  
 Motor vehicle wreckers  
     fees  
         capacity fee in addition to and in lieu of additional fees 46.16.079  
 Motor-driven cycles  
     equipment requirements  
         helmets, goggles, face shield 46.37.530, 46.37.535  
         mirror 46.37.530  
         helmets, goggles, face shields 46.37.530, 46.37.535  
     license plates, replacement of 46.16.270  
     mirrors 46.37.530  
 Motorcycle dealer franchises  
     civil remedies 46.94.060  
 Motorcycles  
     equipment requirements  
         helmets, goggles, face shield 46.37.530, 46.37.535  
         mirror 46.37.530  
         helmets, goggles, face shields 46.37.530, 46.37.535  
     instruction permits 46.20.055  
     requirements 46.20.055  
     license plates, replacement of 46.16.270  
     mirrors 46.37.530  
     rental  
         equipment 46.37.535  
 Nonresident  
     defined 46.04.360  
     use tax exemption 82.12.0251, 82.12.0254  
 Nursing homes  
     parking privileges for transportation of disabled persons 46.16.381  
 Odometers, tampering with  
     exemptions, civil and criminal penalties 46.37.550–46.37.590  
 Off-road and nonhighway vehicles  
     certificate of ownership for title purposes only 46.12.045  
     crimes related to 46.09.130  
     dealers, permits, fees, number plates, violations 46.09.080  
     definitions  
         generally 46.09.020  
         nonhighway vehicle 46.09.020  
         ORV 46.09.020  
     enforcement 46.09.200  
     moneys  
         distribution of 46.09.110

**MOTOR VEHICLES—Cont.**

Off-road and nonhighway vehicles—Cont.  
 motor vehicle fund distribution 46.09.170  
 ORV and nonhighway vehicle account and outdoor recreation account earnings, credit to general fund 46.09.290  
 ORV moneys  
 administration and distribution 46.09.240  
 outdoor recreation account  
 administration and distribution 46.09.240  
 penalties  
 operating violations 46.09.130  
 projects, applications for funds, hearing procedure 46.09.240  
 registration  
 exempted vehicles 46.09.050  
 time limitation on dealers 46.09.080  
 state-wide plan for distribution of funds 46.09.250  
 use permits  
 annual, temporary 46.09.070  
 applications for 46.09.070  
 exempted vehicles 46.09.050  
 fees 46.09.030, 46.09.070  
 issuance 46.09.030  
 number 46.09.070  
 permit 46.09.070  
 prerequisite to operation 46.09.040  
 renewal 46.09.070  
 violations, operating 46.09.130  
 penalties 46.09.130  
 Oil recycling  
 above-ground collection tanks, standard for 19.114.040  
 tanks, above-ground, collection, standard for 19.114.040  
 Open alcoholic containers  
 driver or passenger may not have, exceptions 46.61.519  
 Parking or standing  
 handicapped, reserved privilege 46.16.381  
 Passing lane, multilane highways 46.61.100  
 Permits  
 interstate commercial vehicles, less than year permit, application, fee, term 46.88.010  
 Personalized license plates  
 design 46.16.570  
 Physical control of while under the influence of liquor, drugs  
 what constitutes 46.61.504  
 Plates  
 personalized  
 design 46.16.570  
 Proportional registration, International registration plan  
 applicability, implementation 46.87.010  
 farm vehicles, gross weight fees 46.16.090  
 fees, additional 46.16.061  
 license fees generally 46.16.060  
 license plate replacement, apportioned vehicles 46.87.090  
 monthly license fee 46.16.135  
 part-year registration, credit for unused fees 46.87.030  
 trailers, commercial, converter gear  
 fee in lieu 46.16.085  
 transfer of license plates  
 traffic infraction 46.16.088  
 trucks, buses, for hire vehicles  
 license fees 46.16.070  
 Proportional registration, International registration program  
 disposition of license fees 46.68.030  
 Publicly owned vehicles  
 confidential license plates 46.08.066  
 Reciprocal or proportional registration  
 fleet vehicles, proportional registration  
 application for 46.85.120

**MOTOR VEHICLES—Cont.**

Reciprocal or proportional registration—Cont.  
 fleet vehicles, proportional registration—Cont.  
 credits and accounting on withdrawal of vehicles 46.85.160  
 extent of movements or operations permitted 46.85.130  
 fee payments 46.85.120  
 filing application 46.85.120  
 license plates, fee 46.85.130  
 reciprocity miles, defined, state's pro rata share 46.85.120  
 registration 46.85.130  
 stickers, fee 46.85.130  
 temporary prorated authorization permits 46.85.130  
 withdrawal of vehicles, credits and accounting 46.85.160  
 Records relating to  
 transactions, dealer record of 46.70.120  
 Registration  
 residents required to register 46.16.028  
 seat belts, shoulder harnesses, required on new vehicles before registration 46.37.510  
 Rental of  
 motorcycles  
 equipment requirements 46.37.535  
 Repair, automotive  
 liens, assertion of, barred, when 46.71.050  
 Reports  
 motor vehicle driver's case record  
 certified abstract furnished, fee 46.52.130  
 motor vehicle driver's record  
 certified abstract furnished to insurers, employers, confidentiality, limitation on use, penalty, fee 46.52.130  
 contents 46.52.130  
 Resident  
 defined 46.16.028  
 Revenue, disposition of  
 vehicle license fees 46.68.030  
 Revocation  
 dealer's and manufacturer's licenses 46.70.102  
 dealer's licenses, when 46.70.200  
 dealers' and manufacturers' licenses 46.70.101  
 Right side of roadway  
 driving on right side required, exceptions 46.61.100  
 driving slower than legal maximum speed, or speed slower than necessary for safe operation, exception 46.61.100  
 Rules of the road  
 analysis tests of alcoholic content of blood, breath, etc. 46.61.506  
 blood alcohol content test  
 refusal is admissible evidence 46.61.517  
 breath or blood test for intoxication 46.20.308  
 breath test for intoxication 46.61.506  
 crimes  
 driving while under the influence of intoxicating liquor or drugs 46.61.502  
 physical control of, under the influence of liquor, drugs 46.61.504  
 debris, littering highways 46.61.655  
 penalty 46.61.655  
 driving on  
 right side of roadway, exceptions 46.61.100  
 driving while under the influence of intoxicating liquor or drugs  
 what constitutes 46.61.502  
 evidence  
 intoxication, analysis test, implied consent tests 46.61.506

**MOTOR VEHICLES—Cont.**

Rules of the road—Cont.  
 evidence—Cont.  
 intoxication, chemical analysis test, implied consent 46.20.308  
 intoxicating liquor, driving, or in physical control of, under influence of alcoholic content of blood or breath, etc. 46.61.506  
 blood or breath tests 46.20.308, 46.61.506  
 evidence, analysis of blood, breath, etc. 46.61.506  
 implied consent 46.20.308  
 nonresident, application to 46.61.506  
 other evidence not precluded 46.61.506  
 procedures for suspension or revocation of license 46.20.308  
 qualifications of person administering the test 46.61.506  
 refusal to submit to chemical analysis of blood, breath, etc., penalty 46.20.308, 46.61.506  
 right to have own test administered 46.61.506  
 right to results of test 46.61.506  
 state toxicologist approval of examiners 46.61.506  
 who may administer 46.61.506  
 left-hand lane  
 instructions for proper usage 46.20.095  
 left-hand lane usage 46.61.100  
 traffic safety education 28A.08.080  
 littering highways 46.61.655  
 penalty 46.61.655  
 load materials, permitting escape of 46.61.655  
 physical control of while under influence of liquor or drugs  
 defenses 46.61.504  
 what constitutes 46.61.504  
 right side of roadway  
 driving on right side required, exceptions 46.61.100  
 driving slower than legal maximum speed or at a speed slower than necessary for safe operation 46.61.100  
 seat belts, shoulder harnesses, required before sale or registration of vehicle 46.37.510  
 Safety equipment  
 commission on equipment duties 46.37.320  
 Sales-dealers' licenses  
 accountability of dealer for employees 46.70.027  
 application for license  
 confidentiality 46.70.042  
 contents 46.70.041  
 current service agreement with manufacturer, required, exception 46.70.041  
 established place of business, required 46.70.041  
 form 46.70.031  
 restrictions on applicants 46.70.041  
 retention by department 46.70.042  
 staggered renewal 46.70.083  
 application of chapter 46.70.260  
 cease and desist orders 46.70.115  
 civil action for violations of unfair practices, limitations 46.70.190  
 consumer protection act 46.70.310  
 dealer, defined 46.70.011  
 dealer record of transactions 46.70.120  
 dealer to have place of business 46.70.011  
 declaration of purpose of act 46.70.005  
 definitions 46.70.011  
 denial, revocation or suspension of license grounds, generally 46.70.101  
 notice 46.70.102  
 procedure 46.70.102, 46.70.111

## MOTOR VEHICLES

### MOTOR VEHICLES—Cont.

Sales-dealers' licenses—Cont.  
 effect of  
   complaint on license cancellation 46.70.210  
   issuance of new license on license cancellation 46.70.210  
 election of remedies, civil 46.70.190  
 established place of business, defined 46.70.101  
 Federal Automobile Dealer Franchise Act, claims under 46.70.190  
 fees  
   additional fees 46.70.061  
   disposition 46.70.061  
   transfer 46.70.061  
 hearings 46.70.102, 46.70.111  
 injunction 46.70.190  
 investigation by director 46.70.111  
 licenses  
   application for 46.70.031–46.70.042  
   current service agreement with manufacturer, required, exception 46.70.041  
   fee 46.70.051  
   issuance 46.70.051  
   required, penalties 46.70.021  
   staggered expiration 46.70.083  
   violation, operating without a license 46.70.021  
 limitation for filing action for civil suit 46.70.190  
 listing dealers, transaction of business 46.70.029  
 notice of hearing on license action 46.70.102  
 penalties  
   civil 46.70.190  
   contempt 46.70.111  
   criminal 46.70.170  
   nonrenewal or suspension of license for certain violations 46.70.200  
   revocation or suspension for civil violations 46.70.101  
   revocation or suspension when civil action pending 46.70.200  
 penalty for violations 46.70.170  
 place of business 46.70.023  
   waiver of requirements 46.70.025  
 restrictions on applicants 46.70.041  
 revocation of license, generally 46.70.101, 46.70.200  
 staggered expiration of registration, application for renewal 46.70.083  
 staggered renewal of licenses 46.70.083  
 suspension of license, generally 46.70.101, 46.70.200  
 unfair practices, civil violations  
   damages 46.70.190  
   election to proceed under Federal Automobile Dealer Franchise Act 46.70.190  
   injunctions 46.70.190  
   licenses, effect on  
     filing complaint for civil action 46.70.200  
     violation of unfair practices 46.70.101  
 used vehicles—sale  
   posting or disclosure of asking price 46.70.125  
 violations  
   contempt 46.70.111  
   generally 46.70.021, 46.70.101  
   licensing requirements, penalties 46.70.021  
   unfair business practices 46.70.180  
 Seat belts  
   children, requirements 46.61.687  
   mandatory 46.61.688  
   shoulder harnesses, required before sale or registration of vehicle 46.37.510

### MOTOR VEHICLES—Cont.

Senior citizen centers  
 parking privileges for transportation of disabled persons 46.16.381  
 Snowmobiles  
   advisory committee  
     created, composition, terms, compensation 46.10.220  
   registration  
     annual fee 46.10.040  
     application 46.10.040  
     decals 46.10.040  
     excepted snowmobiles 46.10.030  
     nonresident permit 46.10.040  
     number  
       required 46.10.040  
     renewal 46.10.040  
 Special mobile equipment, exempt from licensing requirement 46.16.010  
 Speed regulations  
   cities and towns  
     maximums  
       exceeding to pass slower moving vehicles 46.61.425  
 Spray or fertilizer application rigs and auxiliary rigs, exempt from licensing requirement 46.16.010  
 Stopping vehicle to  
   inspect hay or straw transporters 20.01.610  
 Suspension, revocation or denial of manufacturer's licenses  
   mobile homes or travel trailers  
     grounds, generally 46.70.101  
 Suspension, revocation or denial of dealer's or manufacturer's licenses, grounds, generally 46.70.101  
 Tests of alcoholic content of blood or breath 46.61.506  
 Tires  
   operating vehicle  
     having protuberances on other than of rubber 46.37.420  
     with metal studs imbedded therein 46.37.420  
     without pneumatic rubber tires 46.37.420  
 Tow truck operator  
   capacity fee in addition to and in lieu of additional fees 46.16.079  
 Traffic infractions  
   driver's license, handicapped, restrictions, violations of 46.20.041  
   inspection  
     operating  
       vehicle found defective in equipment 46.32.010  
       repair of equipment, violations relating to 46.32.050  
     violations, generally 46.32.010  
   monetary penalties 46.63.110  
   monthly tonnage licenses, operating vehicle after expiration 46.16.135  
   nonappearance after written promise, response by mail, when 46.64.020  
   operating under farm vehicle license, in violation of limitations thereon 46.16.090  
   operating vehicle in  
     excess of maximum gross weight licensed for 46.16.140  
     failure to purchase new gross weight license when apprehended 46.16.140  
   special decals, card, plates for disabled drivers, unauthorized use of 46.16.381  
   violations designated as, exceptions 46.63.020  
 Traffic safety education courses in schools  
   traffic safety education account  
   instruction permits 46.20.055  
 Trailers, commercial, converter gear  
   fee in lieu 46.16.085

## MOTOR VEHICLES

### MOTOR VEHICLES—Cont.

Trailers  
   farm trailers  
     tire restrictions 46.37.420  
   operating under farm vehicle license, in violation of limitations thereon 46.16.090  
 Transporting explosives and flammables  
   equipment requirements for 46.37.440  
 Trucks, truck tractors  
   flares and warning devices carried 46.37.440  
 Unfair vehicle business practices  
   dealers', salesmen's and manufacturer's licenses  
     declaration of purpose of act 46.70.005  
     local regulation of licensing preempted 46.70.300  
   mobile home and travel trailer dealer, defined 46.70.011  
   sales-dealers' licenses  
     application for license  
       confidentiality 46.70.042  
       contents 46.70.041  
       established place of business, required 46.70.041  
       form 46.70.031  
       restrictions on applicants 46.70.041  
       retention by department 46.70.042  
       staggered renewal 46.70.083  
     application of chapter 46.70.260  
     bond, surety, requirement 46.70.070  
     civil action for violations of unfair practices, limitations 46.70.190  
     dealer violations, generally 46.70.180  
     definitions 46.70.011  
     denial, revocation or suspension of license deficiency in surety bond, for 46.70.070  
     grounds, generally 46.70.101  
     hearing, procedure 46.70.102, 46.70.111  
     notice 46.70.102  
     procedure 46.70.102, 46.70.111  
     subpoena powers, etc. 46.70.111  
     election of remedies, civil 46.70.190  
     established place of business, defined 46.70.011  
     expiration of registration, application for renewal 46.70.083  
   Federal Automobile Dealer Franchise Act, claims under 46.70.190  
 fees  
   additional fees 46.70.061  
   disposition 46.70.061  
   license 46.70.061  
   transfer 46.70.061  
 hearings 46.70.102, 46.70.111  
 injunction 46.70.190  
 investigation by director 46.70.111  
 licenses  
   application for 46.70.031–46.70.042  
   current service agreement with manufacturer or distributor, required, exception 46.70.041  
   fee 46.70.051  
   issuance 46.70.051  
   required, penalties 46.70.021  
   salesmen's licenses, generally 46.70.083  
   staggered expiration 46.70.083  
   violation, operating without a license 46.70.021  
 limitation for filing action for civil suit 46.70.190  
 notice of hearing on license action 46.70.102  
 penalties  
   civil 46.70.190  
   contempt 46.70.111  
   criminal 46.70.170  
   nonrenewal or suspension of license for certain violations 46.70.200

## MOTOR VEHICLES

### MOTOR VEHICLES—Cont.

Unfair vehicle business practices—Cont.  
sales—dealers' licenses—Cont.  
penalties—Cont.  
    revocation or suspension for civil viola-  
    tions 46.70.101  
    revocation or suspension when civil ac-  
    tion pending 46.70.200  
    surety bond requirements, violation of  
    by dealer 46.70.070  
restrictions on applicants 46.70.041  
revocation of license, generally 46.70.101,  
46.70.200  
salesmen's licenses  
    fee 46.70.061  
    staggered renewal of licenses 46.70.083  
    suspension of license, generally 46.70.101,  
    46.70.200  
unfair practices, civil violations  
    damages 46.70.190  
    election to proceed under Federal Au-  
    tomobile Dealer Franchise Act  
    46.70.190  
    enumeration of unfair practices  
    46.70.180  
    injunctions 46.70.190  
    licenses, effect on  
    filing, complaint for civil action  
    46.70.200  
    violation of unfair practices  
    46.70.101  
violations  
    bonding requirements, dealers  
    46.70.070  
    contempt 46.70.111  
    licensing requirements, penalties  
    46.70.021  
    unfair business practices 46.70.180  
Unlawful to allow unauthorized person to  
drive 46.12.020  
Used vehicles—sale  
    posting or disclosure of asking price  
    46.70.125  
Vehicle dealers' and manufacturers' licenses,  
sale of new or current model vehicle with-  
out new vehicle warranty and written serv-  
ice agreement, unlawful 46.70.101  
Washington habitual traffic offenders act, See  
MOTOR VEHICLES, subtitle Habitual  
traffic offenders act  
Windshield requirements  
    safety glazing materials 46.37.430  
    tinted glass 46.37.430

### MOTOR-DRIVEN CYCLE

Equipment requirements  
    helmet, goggles, face shields 46.37.530,  
    46.37.535  
    mirror 46.37.530  
Helmets, goggles, face shields 46.37.530,  
46.37.535  
License plates, duplicate upon loss or deface-  
ment of 46.16.270  
Mirrors 46.37.530

### MOTORCYCLE

Dealer franchises  
    civil remedies 46.94.060  
    compensation for warranty, delivery, prepa-  
    ration expenses 46.94.040  
    definitions 46.94.010  
    legislative intent 46.94.005  
    prohibited financial practices 46.94.050  
    prohibited trade practices 46.94.020  
    succession to business by designated family  
    member 46.94.030  
Equipment requirements  
    helmets, goggles, face shield 46.37.530,  
    46.37.535

### MOTORCYCLE—Cont.

Equipment requirements—Cont.  
    mirror 46.37.530  
Helmets, goggles, face shield 46.37.530,  
46.37.535  
Instruction permits 46.20.055  
    requirements 46.20.055  
License plates, duplicate upon loss or deface-  
ment of 46.16.270  
Mirrors 46.37.530  
Rental  
    equipment 46.37.535

### MOVIES

Popcorn, disclosure of butter or butter-like fla-  
voring 69.04.331

### MULES, ASSES, AND DONKEYS

Damages  
    trespass upon cultivated land  
    restraint for  
    notice of  
    owner unknown 16.04.025  
Running at large  
    damages  
    liability for 16.16.040  
Theft of 9A.56.080

### MUNICIPAL CORPORATIONS

Indebtedness  
    computation of indebtedness 39.36.030  
Insurance  
    pools for liability insurance 48.62.040  
Limitation of actions, application of statute of  
limitations to, actions by 4.16.160  
Pesticide application, application of control act  
to, exemption for health department  
17.21.220  
Public safety and education assessment  
    fines, forfeitures, or penalties except traffic  
    infractions 3.62.090

### MUNICIPAL INCORPORATION (See CIT- IES AND TOWNS, subtitle Incorporation)

### MURDER

Limitation of action, none 9A.04.080

### NAMES

"Bank" or "trust" in name restricted to bank  
and trust company use, penalty 30.04.020  
Charitable solicitations  
    use of another person's name prohibited  
    without consent 19.09.230  
    use of similar or related 19.09.240  
Corporations  
    bank, trust, savings and loan, etc.  
    cannot be used 30.04.020  
    foreign corporations  
    change .  
    nonprofit corporations 24.03.320  
Mortgage bankers, name use permitted  
30.04.020  
Nonprofit corporations  
    corporate name 24.03.045  
    registration of 24.03.047  
    renewal of 24.03.048  
Physical therapists  
    false advertising 18.74.090

### NARCOTICS

Schools to teach effect of 28A.05.010

## NATURAL RESOURCES, DEPT. OF

### NATURAL DEATH ACT

Criminal mistreatment  
    withdrawal of life support systems not appli-  
    cable to chapter 9A.42.040

### NATURAL RESOURCES, DEPARTMENT OF

Board of natural resources  
    board of appraisers, to constitute 43.30.150  
    composition 43.30.040  
    harbor lines commission, to constitute  
    43.30.150  
    meetings 43.30.150  
    officers 43.30.150  
    powers and duties 43.30.150  
    travel expenses 43.30.150  
Board of state land commissioners  
    abolished and powers and duties transferred  
    to department of natural resources  
    43.30.070  
Clarke-McNary fund 43.30.360  
Cooperative farm forestry funds 43.30.370  
Energy facility site evaluation council, mem-  
bership 80.50.030  
Farm forestry funds 43.30.370  
Fire protection  
    arrests without warrants 76.04.065  
    blasting fuse, use of 76.04.265  
    burning permits 76.04.205  
    campfires, failure to extinguish 76.04.700  
    closure of fire hazard areas 76.04.305,  
    76.04.325  
    contracts for protection and development  
    76.04.105, 76.04.115, 76.04.125  
    cooperative agreements, public agencies  
    76.04.135  
    cooperative protection 76.04.095  
    definitions 76.04.005  
    department powers and duties 76.04.015  
    deposit of fire or live coals during closed  
    season 76.04.435  
    disposal of forest debris, clearing roads  
    76.04.650  
    federal funds 76.04.025  
    felling trees on another's land, permission to  
    76.04.650  
    fire fighting, employment, assistance  
    76.04.155  
    fire hazards, additional, extreme 76.04.660  
    forest fire advisory board 76.04.145  
    forest fire protection assessments 76.04.610,  
    76.04.630  
    landowner contingency forest fire suppres-  
    sion account 76.04.630  
    lighted material, smoking, ashtrays, notices  
    76.04.455  
    logging operations, shutting down 76.04.325  
    mill waste, forest debris, dumping prohibi-  
    ted 76.04.235  
    mill wood waste, spark arresters 76.04.215  
    negligent spreading of fire 76.04.730  
    negligent starting of fires, liability 76.04.495  
    notices, removal of 76.04.720  
    owners to protect forests 76.04.600  
    rangers, ex officio rangers 76.04.045  
    reckless burning 76.04.710, 76.04.740  
    reports of fire 76.04.445  
    rule violations, penalties 76.04.075,  
    76.04.085  
    sealed fire tool box, unauthorized entry  
    76.04.425  
    service of notices 76.04.055  
    slash burns, escaped 76.04.486  
    snags, certain, to be felled 76.04.465  
    spark-emitting equipment regulated  
    76.04.405  
    state appropriations, recovery from land-  
    owner contingency fire suppression ac-  
    count 76.04.620

**NATURAL RESOURCES, DEPT. OF—  
Cont.**

Fire protection—Cont.  
suppression  
reimbursement for costs 76.04.475  
suspension of burning permits or privileges 76.04.315  
uncontrolled fire, public nuisance 76.04.750  
violations, work stoppage 76.04.415  
wardens 76.04.035  
wilful setting of fires 76.04.710  
Forestry  
reforestation, inspection of deforested land 76.09.290  
Harbor lines  
commission, board of natural resources to constitute 43.30.150  
Log patrols  
powers and duties of directors of licensing and department of revenue transferred to 43.30.120  
Outdoor recreation facilities, powers and duties as to 43.30.300  
Powers and duties 43.30.135  
Recreation advisory committee 43.30.380  
Windbreaks, shelter belts, farm wood lots  
Clarke-McNary funds available 43.30.360

**NECESSARY**

Defined, for Washington Criminal Code, defenses 9A.16.010

**NEGLIGENCE**

Breach of duty imposed by statute, ordinance or rule  
negligence per se 5.40.050  
Drunk driving  
personal injury, contributory fault 5.40.060  
wrongful death, contributory fault 5.40.060  
Personal injury  
defense, contributory fault 5.40.060  
Privileged communications  
physicians or surgeons 5.60.060  
Wrongful death  
defense, contributory fault 5.40.060

**NET PROFITS**

Banks 30.04.180

**NEWSPAPERS**

B & O tax, printing and publishing 82.04.280  
Business and occupation tax on printing and publishing 82.04.280  
Intercepting private conversations 9.73.030

**NONPROFIT CORPORATIONS**

Board of directors  
civil liability, limitations 4.24.264  
Officers  
civil liability, limitations 4.24.264

**NONRESIDENTS**

Implied consent law, intoxicating liquor, application to nonresidents 46.61.506  
Motor vehicles, implied consent law, intoxicating liquor 46.61.506  
Tort claims against  
state, filing 4.92.100

**NORTHERN STATE HOSPITAL**

Lands adjacent to  
lease of for county fairgrounds 36.37.160

**NOTICES**

Insurance policies, cancellation  
insurer 48.18.290

**NOTICES—Cont.**

Local improvements  
assessment rolls  
hearing 35.44.090  
Local utility districts  
sewer districts, formation 56.20.030  
Port districts  
formation 53.04.020

**NUCLEAR ENERGY AND RADIATION**

Hazardous materials incidents  
incident command agencies  
designation by 70.136.030  
Low-level disposal facility at Hanford  
site use permits and surveillance fee 70.98.085  
Nuclear generating projects  
contracts  
competitive negotiation  
quarterly report, filing 43.52.510

**NUCLEAR WASTE BOARD**

Rules 43.200.070  
Waste disposal surcharges and penalty surcharges  
governor may assess 43.200.170

**NUISANCES**

Cities and towns  
first class cities, abatement of 35.22.280  
power to declare and abate 35.23.440  
First class cities, abatement of 35.22.280  
Public nuisances  
abatement  
dams or obstructions on streams 75.20.100

**NURSES**

Practical nurses  
board  
duties 18.78.050  
hearings 18.78.050  
rule adoption 18.78.050  
licenses  
effect of failure to renew annually 18.78.090  
foreign countries 18.78.070  
reinstatement 18.78.090  
renewal, fee 18.78.090  
professional negligence  
limitation on suits arising from 4.16.350  
reciprocity 18.78.070  
uniform disciplinary act 18.78.054  
Registered nurses  
health care services contracts, coverage 48.44.290  
penalties for violations 18.88.270  
privileged communications 5.62.020, 5.62.030  
professional negligence  
limitation on suits arising from 4.16.350  
uniform disciplinary act 18.88.086  
Reports of abuse of dependent adults 74.34-.030-74.34.050

**NURSING HOMES**

Advisory nursing home council  
sunset act  
repeal 43.131.302  
termination 43.131.301  
Audit and cost reimbursement system  
allowable costs  
depreciation base 74.46.360  
unallowable costs 74.46.410  
Building inspections  
director of fire protection authority exclusive 18.51.145  
Fire protection 18.51.140

**NURSING HOMES—Cont.**

Inspections 18.51.140  
Long-term care insurance  
benefits-premium ratios, coverage limitations, rules 48.84.030  
definitions 48.84.020  
general provisions, intent 48.84.010  
policies and contracts  
prohibited provisions 48.84.040  
required provisions 48.84.050  
prohibited practices 48.84.060  
reports, separate data required 48.84.070  
Parking privileges for the transportation of disabled persons 46.16.381  
Professional negligence  
limitation on suits arising from 4.16.350

**OATHS AND AFFIRMATIONS**

Administering power  
legislative authorities 36.32.120  
Cemetery district commissioners 68.16.180  
Cities and towns  
officers, generally 35.27.120  
third class cities  
officers 35.24.080  
Fire protection district commissioners 52.14.070  
Liquor control board and employees  
bond and oath 66.08.014  
Second class cities, officers 35.23.190

**OCCUPATIONAL THERAPY**

Board  
powers and duties 18.59.130  
rules 18.59.130  
Referral to a medical doctor, duty 18.59.100  
Uniform disciplinary act 18.59.141

**OCCUPATIONS**

Cities and towns  
first class, regulation of 35.22.280  
second class, control of 35.23.440

**OCULARISTS**

Uniform disciplinary act 18.55.066

**OFFICER**

Defined, for Washington Criminal Code 9A.04.110

**OIL RECYCLING**

Above-ground collection tanks, standard for 19.114.040  
Tanks, above-ground, collection, standard for 19.114.040

**OIL-FUELED HEATERS**

Portable  
standards for sale and use  
jurisdiction of director of community development through director of fire protection 19.27A.110

**OKANOGAN COUNTY**

Superior court judges, number of 2.08.065

**OMISSION**

Defined, for Washington Criminal Code 9A.04.110

**OPERATING AGENCIES**

Nuclear generating projects  
contracts  
competitive negotiation  
quarterly reports, filing 43.52.510



## OPTICIANS, DISPENSING

### OPTICIANS, DISPENSING

Professional negligence  
limitation on suits arising from 4.16.350  
Uniform disciplinary act 18.34.136

### OPTOMETRY

Grounds for disciplinary action 18.53.100  
License  
grounds for disciplinary action 18.53.100  
Optometrists  
professional negligence  
limitation on suits arising from 4.16.350  
Optometry board  
powers and duties 18.54.070  
rule-making authority 18.54.070  
Temporary permit  
issuance of, limitations 18.53.030  
Uniform disciplinary act 18.53.101, 18.54.076  
Unlawful acts 18.53.140  
Violations, penalty 18.53.150

### ORDINANCES AND RESOLUTIONS

Cities and towns  
electrical installations 19.28.010, 19.28.360  
first class cities  
violations, providing for punishment  
35.22.280  
Counties  
legislative authorities  
adopt by reference 36.32.120  
power to make 36.32.120  
Legislative authorities  
adopt by reference 36.32.120  
power to make 36.32.120

### ORGAN DONATIONS (See also UNIFORM ANATOMICAL GIFT ACT)

Identification of potential donors, hospital procedures 68.08.650, 68.08.660

### OSTEOPATHIC PHYSICIAN'S ASSISTANT

Application for  
fee 18.57A.040  
renewal, fee 18.57A.040  
Board  
approval of application, by 18.57A.040  
rejection of application, by, hearing 18.57A.040  
withdrawal of approval of application, hearing 18.57A.040  
Liability 18.57A.050  
Limitations on practice by osteopathic physician's assistant 18.57A.030  
Osteopathic physician  
application for assistant 18.57A.040  
liability 18.57A.050  
responsibility 18.57A.050  
Osteopathic physician's assistant  
limitations on practice 18.57A.030  
Professional negligence  
limitation on suits arising from 4.16.350  
Responsibility 18.57A.050  
Uniform disciplinary act 18.57A.025

### OSTEOPATHY AND SURGERY

Insurance, professional liability insurance  
malpractice settlements and awards, insurers to report 18.57.245  
Malpractice settlements and awards  
professional liability insurers must report 18.57.245  
Osteopathic physician  
professional negligence  
limitation on suits arising from 4.16.350  
Privileged communications with patients  
5.60.060

**OSTEOPATHY AND SURGERY—Cont.**  
State board of osteopathic medicine and surgery.  
powers 18.57.005  
Uniform disciplinary act 18.57.011  
Unprofessional conduct  
duty to report 18.57.174

### OUT-OF-STATE

Physicians and surgeons, limited licenses for out-of-state licensees engaged with department of social and health services or department of corrections 18.71.095

### OUTDOOR MUSIC FESTIVALS

Application for permit, contents, filing 70.108.040  
Permits  
application for, contents, filing 70.108.040

### PACIFIC COUNTY

Superior court judges, number of 2.08.065

### PARKING

Business and occupation tax, automobile parking charge or fee as retail sale 82.04.050  
Disabled person  
reserved privilege 46.16.381  
Handicapped  
reserved spaces 46.16.381  
Holding areas for ferry patrons, joint use of municipally owned off-street parking facilities 47.60.550  
Nursing homes, senior citizen centers, public transportation, transportation of disabled persons 46.16.381

### PARKS AND RECREATION

Campsite rental fees  
reduction for those with permanent disabilities 43.51.055  
Cities and towns  
first class cities, purchase of property for 35.22.280  
second class cities  
acquisition of land for 35.23.440  
power to provide 35.23.440  
Department of  
energy facility site evaluation council, membership 80.50.030  
Disabled persons passes 43.51.055  
Recreation advisory committee  
department of natural resources to form committee 43.30.380  
Senior citizens passes 43.51.055  
State parks  
passes, senior citizens, disabled, veterans 43.51.055  
State parks and recreation commission  
disabled persons passes 43.51.055  
senior citizens passes 43.51.055  
snowmobile advisory committee  
created, composition, terms, compensation 46.10.220  
veteran's disability passes 43.51.055  
winter recreation advisory committee 43.51.340  
winter recreational parking areas  
parking permit fees 43.51.300  
Veteran's disability passes 43.51.055  
Winter recreational parking areas  
parking permit fees 43.51.300  
winter recreation advisory committee 43.51.340

### PARTY WALLS

First class cities, regulation of 35.22.280

## PERSONAL INJURIES

### PASSENGER WATERCRAFT FOR HIRE

Operating procedures Ch. 91.14

### PASSENGERS

Ejecting of, use of force, when lawful 9A.16.020  
Force, use in ejecting, when lawful 9A.16.020

### PATRIOTIC ORGANIZATIONS

Nonprofit corporations, authorized 24.03.015

### PEACE OFFICERS

Attendance officer under compulsory attendance law, peace officers as 28A.27.040  
Defined  
for Washington Criminal Code 9A.04.110

### PECUNIARY BENEFIT

Defined, for Washington Criminal Code 9A.04.110

### PEDDLERS

Cities and towns, second class cities, licensing 35.23.440  
Licenses  
second class cities 35.23.440

### PENALTIES

Charitable solicitations  
violations 19.09.275  
Corporations  
fines if penalty incapable of execution or enforcement 10.01.100

### PEND OREILLE COUNTY

Superior court judges, number of 2.08.065

### PERMITS

Circuses, permits for transportation of equipment of 46.16.080  
Fleet vehicles, temporary proration authorization permits, proportional registration 46.85.130  
Highways  
removal of material which have no market value in place 47.12.140  
Mobile home, special movement permit and decal  
fee 46.44.170  
license plate issuance 46.44.170  
property tax payment certificate 46.44.170  
required 46.44.170  
Vehicle operator licensing  
driver's instruction permit 46.20.055  
temporary instruction permits 46.20.055

### PERSON

Defined  
agricultural enabling act of 1955 15.66.010  
agricultural enabling act of 1961 15.65.020  
Washington Criminal Code 9A.04.110

### PERSONAL INJURIES

Damages  
future economic damages 4.56.260  
Defense, engaged in a felony 4.24.420  
Drunk driving  
contributory fault, defense 5.40.060  
Economic damages  
defined 4.56.250  
Felony, defense 4.24.420  
Liability, multiple persons at fault, joint and several liability 4.22.030  
Noneconomic damages  
defined 4.56.250

## PERSONAL INJURIES

**PERSONAL INJURIES—Cont.**  
Privileged communications  
physicians or surgeons 5.60.060

### PERSONAL PROPERTY

Force, use of, when lawful 9A.16.020  
Industrial insurance, liens for delinquent payments, penalties 51.16.170  
Protection of, use of force, when lawful 9A.16.020

### PESTICIDE APPLICATION

Application of chapter 17.21.220  
Applicator's license  
examination fee 17.21.090  
examination of applicant 17.21.090  
qualifications 17.21.090  
revocation or suspension of 17.21.130  
Municipal corporations, application of chapter to, exemption for health department 17.21.220  
Operator's license  
examination fee 17.21.120  
examination of applicant 17.21.120  
revocation or suspension of 17.21.120  
Private-commercial licensing 17.21.128  
Public utilities, application of chapter to 17.21.220  
State agencies, application of chapter to, exemption for department of social and health services 17.21.220

### PETITIONS

Local utility districts  
sewer districts, formation 56.20.020  
Port districts  
formation requirements 53.04.020

### PHARMACY

Pharmacists  
professional negligence  
limitation on suits arising from 4.16.350  
Reports of abuse of dependent adults 74.34-.030–74.34.050

### PHYSICAL INJURY

Defined, for Washington Criminal Code 9A.04.110

### PHYSICAL THERAPY

Advertising violations 18.74.090  
Board  
powers and duties 18.74.023  
License  
practicing without valid license 18.74.090  
Physical therapists  
professional negligence  
limitation on suits arising from 4.16.350  
Uniform disciplinary act 18.74.029  
Violations 18.74.090

### PHYSICIAN'S ASSISTANT

Application for  
approval of 18.71A.040  
rejection of, hearing for 18.71A.040  
withdrawal of, hearing for 18.71A.040  
Board  
application for  
approval of 18.71A.040  
rejection of, hearing for 18.71A.040  
withdrawal of, hearing for 18.71A.040  
Physicians  
application for, fee 18.71A.040  
liability 18.71A.050  
responsibility 18.71A.050  
Professional negligence  
limitation on suits arising from 4.16.350

**PHYSICIAN'S ASSISTANT—Cont.**  
Uniform disciplinary act 18.71A.025

### PHYSICIANS AND SURGEONS

Applications  
eligibility requirements  
United States and Canadian graduates 18.71.050  
Canadian physicians, right to practice, subject to discipline  
grounds 18.71.230  
procedure 18.71.230  
DMSO, prescription, administration permitted 70.54.190  
Hospital privileges  
applications, may not discriminate based on type of license 70.43.020  
hospitals to report restrictions 70.41.210, 70.41.220  
hospitals to review past 70.41.230  
hospitals to set standards and privileges 70.43.010  
injunctive remedies 70.43.030  
Immune from disciplinary action for prescribing or administering laetrile 70.54.150  
Insurance, professional liability insurance  
malpractice settlements and awards, insurers to report 18.72.340  
Laetrile, prescription, administration of, immune from disciplinary action 70.54.150  
Licenses  
exemptions 18.71.030  
limited licenses for out-of-state licensees engaged with department of social and health services or department of corrections, duration 18.71.095  
out-of-state licensees engaged with department of social and health services or department of corrections, duration, limited licenses 18.71.095  
Malpractice settlements and awards  
professional liability insurers must report 18.72.340  
Medical disciplinary board  
definitions 18.72.020  
membership 18.72.040  
rules 18.72.150  
Medical malpractice  
physician's privileges, hospitals to report restrictions to board 70.41.210, 70.41.220  
physician's privileges, hospitals to review past 70.41.230  
Medical program directors  
certification 18.71.212  
termination, temporary delegation of authority 18.71.213  
Physician's trained mobile airway management technician  
certification and recertification standards and requirements 18.71.205  
defined 18.71.200  
liability for acts or omissions 18.71.210  
medical program director, defined 18.71.205  
Physician's trained mobile intensive care paramedic  
certification and recertification standards and requirements 18.71.205  
defined 18.71.200  
liability for acts or omissions 18.71.210  
medical program director, defined 18.71.205  
Physician's trained mobile intravenous therapy technician  
certification and recertification standards and requirements 18.71.205  
defined 18.71.200  
liability for acts or omissions 18.71.210  
medical program director, defined 18.71.205

## POISONS

**PHYSICIANS AND SURGEONS—Cont.**

Privileged communications with patients 5.60.060  
judicial proceeding regarding child's injuries, neglect or sexual abuse, examination regarding not privileged 5.60.060  
Professional negligence  
limitation on suits arising from 4.16.350  
Professional service corporations  
authorized 18.100.050  
nonprofit corporations authorized 18.100.050  
providing services to health maintenance organizations 18.100.050  
Reports of abuse of dependent adults 74.34-.030–74.34.050  
Seat belts, verification of inability to wear, immunity from liability 4.24.235  
Uniform disciplinary act  
board of medical examiners 18.71.019  
medical disciplinary board 18.72.154  
Unprofessional conduct, duty to report 18.72.165  
Unprofessional conduct  
reports, immunity 18.72.265

### PLACE OF WORK

Defined, for Washington Criminal Code 9A.04.110

### PLATTING, SUBDIVISION AND DEDICATION OF LAND

Irrigation districts  
plats within district, irrigation facilities requirements 58.17.310  
Preliminary plat  
administrative review without a hearing 58.17.095  
alteration of conditions, requirements 58.17.140  
approval, time for 58.17.140  
retroactive approval period 58.17.140

### PLEADINGS

Complaints  
service of  
actions against state 4.92.020  
Summons  
service of, actions against state 4.92.020

### PLEDGES

Bank or trust company pledge of assets or securities prohibited, exception 30.04.140

### PLUMBERS

Temporary permits  
requirements 18.106.020

### PODIATRY (Formerly CHIROPODY)

Health care coverage 48.44.300  
Health professions act, See HEALTH SERVICES  
Podiatrists  
professional negligence  
limitation on suits arising from 4.16.350  
report of  
child abuse of Ch. 26.44  
Podiatry board  
duties, generally 18.22.015  
Uniform disciplinary act 18.22.018

### POISONS

Hazardous materials incidents  
incident command agencies  
designation by 70.136.030

## POLICE

### POLICE

Criminal identification, See STATE PATROL, subtitle Identification and criminal history section  
Criminal justice information act, See CRIMINAL JUSTICE INFORMATION ACT  
Domestic violence  
  official response, See DOMESTIC VIOLENCE  
Interception of private conversations  
  admissibility 9.73.090  
  bugging 9.73.090  
  judicial authorization 9.73.090  
Investigations  
  prosecuting standards 9.94A.440  
Motor vehicle dealer's license application, police chief to certify 46.70.041  
Truant officer, may act as 28A.27.040  
Wiretap  
  admissibility 9.73.090  
  judicial authorization 9.73.090

### POLITICAL ORGANIZATIONS

Nonprofit corporations, authorized 24.03.015

### POLITICAL SUBDIVISIONS

Intercepting private conversations 9.73.030

### POLLUTION

Hazardous waste disposal  
  PCB waste 70.105.105

### POLLUTION CONTROL HEARINGS BOARD

Hazardous waste management  
  local governments, pollution control hearings board to hear disputes 70.105.250

### POPCORN

Disclosure of butter or butter-like flavoring 69.04.331

### POPULATION

Cities and towns  
  number required for incorporation 35.02.010

### PORT DISTRICTS

Commission and commissioners  
  qualifications 53.12.020  
Dissolution  
  definition 53.48.010  
Elections  
  declaration of candidacy 29.21.060  
  declarations of candidacy 29.21.060  
  formation 53.04.020  
Energy facility site evaluation council, membership 80.50.030  
Export trading companies  
  authority to establish, business plan to be established 53.31.030  
  confidentiality of records supplied by private individuals 53.31.050  
  definitions 53.31.020  
  dissolution 53.31.040  
  federal certificate of review authorized 53.31.060  
  formation 53.31.040  
  legislative findings 53.31.010  
  powers 53.31.040  
Fiscal matters  
  indebtedness  
    computation of indebtedness 39.36.030  
Formation  
  district less than entire county 53.04.022  
  election  
    authority 53.04.020

### PORT DISTRICTS—Cont.

Formation—Cont.  
  petition for 53.04.020  
  publication of notice 53.04.020  
Indebtedness  
  computation of indebtedness 39.36.030  
Insurance  
  pools, liability insurance 48.62.040  
Moorage facilities  
  abandoned vessels, public sale 53.08.320  
  definitions 53.08.310  
  regulations 53.08.320  
Rewards  
  authority, payment 10.85.030  
  conflicting claims 10.85.040  
  payment 10.85.050

### POSTHUMOUS CHILDREN

Industrial insurance  
  definition of child 51.08.030

### POWER FACILITIES AND RESOURCES

Dams  
  construction or modification  
    plans and specifications must be approved by fisheries and game directors, penalty, abatement as public nuisance 75.20.100  
Joint operating agencies  
  administrative auditor appointed by executive board 43.52.378  
contracts  
  sealed bids  
    exception 43.52.618  
  performance audits, reports 43.52.378

### PRAYER

Chiropractors 18.25.090

### PREARRANGEMENT FUNERAL SERVICE CONTRACTS (See FUNERAL DIRECTORS AND EMBALMERS, subtitle Prearrangement funeral service contract)

### PRECINCTS

Annexation of county territory to city  
  adjustment of boundary by county auditor 29.04.040  
Election board  
  defined 29.01.055

### PRESCHOOLS (See SCHOOLS AND SCHOOL DISTRICTS, subtitle Preschools and nursery schools)

### PRESCRIPTIONS

DMSO  
  prescription, administration permitted 70.54.190  
Insulin  
  other medically prescribed devices, items, retail sales tax exemption 82.08.0283  
  use tax exemption 82.12.0277  
Laetrile  
  physician's immunity from prescribing or administering 70.54.150  
Ostomic items  
  use tax exemption 82.12.0277  
Oxygen  
  use tax exemption 82.12.0277  
Prosthetic and orthotic devices  
  use tax exemption 82.12.0277

### PRESENTMENT

Tort claims against  
  state 4.92.100

## PRISON TERMS AND PAROLES

### PRIESTS

Privileged communications 5.60.060

### PRINTING AND DUPLICATING MANAGEMENT CENTER

Plan, reproduction 43.19.650  
Procurement of printing, microfilm, and duplicating equipment 43.19.650  
Services  
  support, fees 43.19.660

### PRISON TERMS AND PAROLES

Assistance for parolees, work/training release, and discharged prisoners  
  accounting 9.95.350  
  agreement by recipient to repay 9.95.370  
  authorization for secretary of department of corrections to provide 9.95.320  
  community services revolving fund, uses 9.95.360  
  community services revolving fund uses 9.95.360  
  declaration of purpose 9.95.310  
  expenditures for authorized 9.95.330  
  gifts, devises, or contributions, acceptance of by secretary of department of corrections 9.95.330  
  parolee and probationer revolving fund uses 9.95.340  
  parolee revolving fund, uses 9.95.340  
  repayment of funds by discharged prisoners and parolees 9.95.340  
  terms and conditions 9.95.320  
  use of funds belonging to absconders 9.95.340  
Board of  
  duration of confinement fixed by 9.95.040  
  existence ceases, redesignated the indeterminate sentence review board 9.95.009  
  redesignated the indeterminate sentence review board 9.95.001  
  redetermination and refixing of minimum term 9.95.052  
Community service by offenders  
  workers' compensation and liability insurance coverage 51.12.045  
Confinement in county or state facility, dependent on length of term 9.94A.190  
County use of state partial confinement facility  
  reimbursement of state 9.94A.190  
Criminal justice information act, See CRIMINAL JUSTICE INFORMATION ACT  
Deadly weapon  
  duration of confinement when felony committed with 9.95.040  
  finding of fact as to whether accused was armed with 9.95.015  
Duration of confinement  
  first time offenders 9.94A.120  
  fixed by board of prison terms and paroles 9.95.040  
  minimum 9.94A.120  
  minimums 9.95.040  
Indeterminate sentence review board  
  board of prison terms and paroles redesignated as 9.95.001  
  transfer of power to superior courts 9.95.0011  
Mental patients' records  
  disclosure 71.05.390  
Minimum term  
  fixed by parole board 9.95.040  
  redetermination and refixing of 9.95.052  
  reduction of 9.95.052  
Offenders performing community service  
  workers' compensation and liability insurance coverage 51.12.045

## PRISON TERMS AND PAROLES

### PRISON TERMS AND PAROLES—Cont.

Reimbursement rates for county use of state facilities 9.94A.190

#### Sentences

consecutive, concurrent 9.94A.120  
exceptional 9.94A.120  
first time offenders 9.94A.120  
minimum 9.94A.120

### PRISONER

Defined, for Washington Criminal Code 9A.04.110

### PRISONS AND PRISONERS

Prison, defined, for Washington Criminal Code 9A.04.110

#### Work release program

powers and duties of secretary of department of corrections 72.65.100  
transportation, clothing, expenses of participants 72.65.090

### PRIVACY

Hostage or barricaded person situation  
telecommunications may be intercepted 9.73.030

Intercepting private communication 9.73.030

Invasion of 9.73.030

#### Telephone solicitation

automatic dialing devices, prohibited 80.36.400  
regulated 80.36.390

### PRIVATE ACTIVITY BOND ALLOCATION

Alternative allocation system 39.86.031

### PRIVATE DEGREE-GRANTING INSTITUTIONS REGULATED (See COLLEGES AND UNIVERSITIES, subtitle Private degree-granting institutions regulated)

### PRIVATE SCHOOLS

#### Buses

maintenance of  
joint agreements with public schools 28A.58.107  
public schools, use of, authorized 28A.24.065

Exceptions to mandatory public school attendance 28A.27.010

Extension programs for parents to teach children

exception to mandatory public school attendance 28A.27.010

### PRIVATE VOCATIONAL SCHOOLS

Actions prohibited without license 28C.10.090  
Actions resulting in jurisdiction of courts 28C.10.150

#### Agency

defined 28C.10.020

#### Agent

defined 28C.10.020

Application of chapter 28C.10.030

#### Complaints

hearings 28C.10.120  
investigations 28C.10.120  
remedies 28C.10.120

#### Contract, enrollment

contents 28C.10.050  
enforceability of debts 28C.10.180  
voidable, when 28C.10.170

Definitions 28C.10.020

#### Degree

defined 28C.10.020

#### Education

defined 28C.10.020

### PRIVATE VOCATIONAL SCHOOLS—Cont.

Educational credentials

defined 28C.10.020

Educational programs not applicable 28C.10.030

#### Educational records

permanent file, protection 28C.10.160

Enforceability of debts 28C.10.180

Enforcement of chapter 28C.10.190

#### Entity

defined 28C.10.020

Fees 28C.10.070

Injunctive relief, agency may seek 28C.10.200

Intent of chapter 28C.10.010

Interagency agreements with respect to nondegree programs 28C.10.040

#### Licenses

actions prohibited without 28C.10.090  
denial, suspension, or revocation of 28C.10.050

renewal of 28C.10.060

requirements for 28C.10.060

Minimum standards 28C.10.050

Remedies and penalties, nonexclusive and cumulative 28C.10.220

#### Requirements

suspension or modification of 28C.10.100

#### Rules

adopted 28C.10.040

violation of

civil penalties 28C.10.130

criminal sanctions 28C.10.140

Schools registered under prior laws, consideration 28C.10.910

#### Surety bonds

cancellation of, notice, claim 28C.10.080

security in lieu of 28C.10.080

Suspension or modification of requirements 28C.10.100

Unfair business practices 28C.10.110

Violation of chapter unfair or deceptive practice 28C.10.210

### PRIVILEGED COMMUNICATIONS

Attorney and client 5.60.060

Clergyman, confessions to 5.60.060

Consent to disclosure by witness 5.60.060

#### Husband and wife

criminal proceeding for crime committed against child where husband or wife parent or guardian, privilege does not apply 5.60.060

Physician and patient 5.60.060

criminal proceedings

involving child's injuries, neglect or sexual abuse, privilege does not apply 5.60.060

Public officers 5.60.060

Registered nurses 5.62.020, 5.62.030

### PROCESS

Prevention or resistance to service, assault, third degree 9A.36.030

#### Summons

service of

actions against state 4.92.020

### PROFESSIONAL NEGLIGENCE

Actions and proceedings

limitation on 4.16.350

#### Chiropractor

actions and proceedings  
limitation on 4.16.350

#### Dentist

actions and proceedings  
limitation on 4.16.350

Health maintenance organizations

actions and proceedings  
limitations on 4.16.350

## PROSECUTING ATTORNEYS

### PROFESSIONAL NEGLIGENCE—Cont.

Hospital personnel

actions and proceedings  
limitation on 4.16.350

#### Hospitals

actions and proceedings  
limitation on 4.16.350

#### Nursing homes

actions and proceedings  
limitations on 4.16.350

#### Opticians

actions and proceedings  
limitations on 4.16.350

#### Optometrists

actions and proceedings  
limitation on 4.16.350

#### Osteopathic physician

actions and proceedings  
limitations on 4.16.350

#### Osteopathic physician's assistant

actions and proceedings  
limitations on 4.16.350

#### Pharmacist

actions and proceedings  
limitations on 4.16.350

#### Physical therapists

actions and proceedings  
limitations on 4.16.350

#### Physician's assistant

actions and proceedings  
limitations on 4.16.350

Physician's trained mobile intensive care paramedic

actions and proceedings  
limitations on 4.16.350

#### Physicians and surgeons

actions and proceedings  
limitation on 4.16.350

#### Podiatrist

actions and proceedings  
limitations on 4.16.350

#### Practical nurse

actions and proceedings  
limitation on 4.16.350

#### Psychologist

actions and proceedings  
limitations on 4.16.350

#### Registered nurse

actions and proceedings  
limitation on 4.16.350

### PROFESSIONAL ORGANIZATIONS

Nonprofit corporations, authorized 24.03.015

### PROFITEERING

Definitions 9A.82.010

### PROHIBITION, WRIT OF

Legal holidays, hearing applications and issuance 2.28.100

### PROPERTY

Defined, for Washington Criminal Code 9A.04.110

### PROSECUTING ATTORNEYS

Attorney general

investigation and prosecution of crimes, concurrent authority, when authorized, costs 43.10.232

#### Child abuse

report of

duties 26.44.030

prosecutor to make annual report 26.44.075

Dependent adults, abuse of

report of  
duties 26.44.030

## PROSECUTING ATTORNEYS

### PROSECUTING ATTORNEYS—Cont.

Elevators, escalators and dumbwaiters  
injunction for operation without permit  
brought by 70.87.140  
Police investigations 9.94A.440  
Private vocational schools, duties concerning  
28C.10.190

### PROSECUTIONS

Juvenile offenses 13.40.070–13.40.120,  
13.40.140  
Police investigations 9.94A.440  
Standards  
evidentiary sufficiency  
decisions to prosecute 9.94A.440  
police investigations 9.94A.440

### PROSTITUTION

Cities and towns  
first class cities, punishment of 35.22.280  
second class cities, control of 35.23.440  
third class cities, control of 35.24.290  
towns, control and punishment of 35.27.370  
First class cities, providing for punishment of  
35.22.280

### PSYCHOLOGISTS

Criminal conviction, copy sent to disciplinary  
committee 18.83.168  
Denial, suspension or revocation of license  
grounds 18.83.130  
Disciplinary committee  
created by board 18.83.050  
Disclosure of information to client 18.83.115  
Ethics code  
board to adopt 18.83.050  
Examining board  
composition 18.83.035  
disciplinary committee  
created by board 18.83.050  
ethics code 18.83.050  
powers and duties 18.83.050  
terms 18.83.035  
Exemptions 18.83.200  
Injunctions against violations 18.83.190  
Insurance  
failure to obtain when required 18.83.130  
professional liability insurance may be re-  
quired 18.83.050  
Licenses  
denial, suspension, revocation 18.83.130  
display 18.83.080  
failure to renew, effect 18.83.100  
issuance 18.83.080  
required 18.83.020  
Negligence, judgment, copy sent to disciplin-  
ary committee 18.83.168  
Professional negligence  
limitation on suits arising from 4.16.350

### PSYCHOLOGY

Examining board  
sunset act  
termination 43.131.323

### PUBLIC ACCOUNTANCY ACT

Board of accountancy  
annual report 18.04.045  
authority 18.04.045  
created 18.04.035  
duties 18.04.045  
membership  
terms 18.04.035  
officers 18.04.045  
responsibility 18.04.045  
rule adoption 18.04.055

### PUBLIC ACCOUNTANCY ACT—Cont.

Certified public accountant  
certification of  
examination 18.04.105  
fee 18.04.105  
grandfathered 18.04.105  
nonresidents 18.04.185  
reissuance 18.04.335  
renewal  
refusal of  
procedure 18.04.320  
requirements 18.04.105  
revocation, suspension, or refusal  
procedure 18.04.320  
certified public accountant account  
18.04.105  
confidential information  
disclosure procedure 18.04.405  
continuing education 18.04.215  
continuing professional education 18.04.105  
corporations  
licensure 18.04.195  
revocation or suspension 18.04.305  
procedure 18.04.320  
registration 18.04.205  
licenses 18.04.215  
reissuance or modification 18.04.335  
renewal  
refusal of 18.04.295, 18.04.295,  
18.04.305  
procedure 18.04.320  
revocation, suspension, or censure 18.04-  
.295, 18.04.295, 18.04.305  
revocation, suspension, or refusal  
procedure 18.04.320  
offices  
registration 18.04.205  
partnerships  
licensure 18.04.195  
revocation or suspension 18.04.305  
procedure 18.04.320  
registration 18.04.205  
prohibited practices 18.04.345  
Confidential information  
disclosure procedure 18.04.405  
Continuing education 18.04.215  
Corporations  
licensure 18.04.195  
revocation or suspension 18.04.305  
procedure 18.04.320  
registration 18.04.205  
Definitions 18.04.025  
False advertising 18.04.380  
Licenses  
issuance 18.04.215  
reissuance or modification 18.04.335  
renewal 18.04.215  
revocation, suspension, or censure 18.04-  
.295, 18.04.305  
revocation, suspension, or refusal  
procedure 18.04.320  
Nonresidents  
certified public accountant  
biennial license 18.04.185  
certification of 18.04.185  
Offices  
registration 18.04.205  
Partnerships  
licensure 18.04.195  
revocation or suspension 18.04.305  
procedure 18.04.320  
registration 18.04.205  
Practices allowed 18.04.350  
Prohibited practices 18.04.345  
Public accounting  
licenses 18.04.215  
reissuance or modification 18.04.335  
revocation, suspension, or censure 18.04-  
.295, 18.04.305

## PUBLIC ASSISTANCE

### PUBLIC ACCOUNTANCY ACT—Cont.

Public accounting—Cont.  
licenses—Cont.  
revocation, suspension, or refusal  
procedure 18.04.320  
Records, statements, etc.  
remain property of accountant making them  
18.04.390  
sale or transfer of, need consent of client,  
exceptions 18.04.390  
Rules  
board may adopt 18.04.055

### PUBLIC ASSISTANCE

Agencies for children, expectant mothers, de-  
velopmentally disabled persons, care and  
placement  
access, right of, for inspection of agencies  
74.15.080  
fire protection, powers and duties of com-  
munity development, department of  
74.15.050  
Chore services  
defined 74.08.541  
eligibility 74.08.541  
limits 74.08.541  
Employment partnership program  
legislative findings 50.63.010  
Energy assistance  
termination of utility heating service  
limitation 35.21.300, 54.16.285, 80.28.010  
First source contracts  
definitions 50.64.020  
employee training period  
benefits 50.64.050  
financial incentives 50.64.060  
encouraged 50.64.030  
financial incentives 50.64.040  
legislative findings 50.64.010  
Fraud  
limitation of actions 9A.04.080  
Group-care facilities  
defined 74.15.020  
Housing trust fund  
application period, procedure 43.185.070  
compliance monitoring 43.185.090  
definitions 43.185.020  
eligible organizations 43.185.060  
findings 43.185.010  
investment of revenues 43.185.040  
loans or grants 43.185.050  
preconstruction technical assistance  
43.185.080  
rule-making authority 43.185.100  
Washington housing trust fund  
created 43.185.030  
Identical cards, fee for recipients of 46.20.117  
Lottery prize winnings set-off by debts owed  
state 67.70.255  
Low-income energy assistance  
termination of utility heating service  
city-owned utility 35.21.300  
limitation 35.21.300, 54.16.285, 80.28.010  
report to legislature 54.16.286, 80.28.011  
Need  
defined 74.04.005  
standards  
consolidated standards 74.04.770  
Payment  
improperly received, recovery of, when  
74.04.300  
Supplemental security income program  
supplementation of national program  
contractual agreements with federal gov-  
ernment 74.04.630  
Termination of utility heating service  
city procedure 35.21.300  
limitation 35.21.300, 54.16.285, 80.28.010  
report to legislature 54.16.286, 80.28.011

## PUBLIC BUILDINGS

### PUBLIC BUILDINGS

Counties  
legislative authorities, powers in regard to 36.32.120

Life-cycle cost analysis  
building design plan to include 39.35.040  
defined 39.35.030  
definitions 39.35.030  
energy systems, defined 39.35.030  
energy-consumption analysis, defined 39.35.030  
initial cost, defined 39.35.030  
legislative declaration 39.35.020  
legislative finding 39.35.010  
life-cycle cost, defined 39.35.030  
major facility, defined 39.35.030  
public agency, defined 39.35.030  
public facilities  
implementation 39.35B.040  
intent 39.35B.030  
legislative declaration 39.35B.020  
legislative findings 39.35B.010  
renewable energy system  
defined 39.35.030  
renovation, defined 39.35.030

### PUBLIC DEPOSITARIES

Alien banks  
demand accounts 39.58.085  
deposits allowed 39.58.085

Deposits  
limitations 39.58.135

Limitations on deposits 39.58.135

Outside the state  
demand accounts 39.58.085  
deposits allowed 39.58.080

Public deposit protection commission  
information, may be required to submit,  
penalty for failure 39.58.040  
loss  
date of loss, fixing 39.58.040  
priorities of payment 39.58.040  
powers and duties 39.58.040  
qualification of financial institutions as public depositaries, promulgation relating to 39.58.040  
qualified public depositary  
all public deposits must be made in, exceptions 39.58.080  
rules and regulations, authority to adopt 39.58.040  
settlement of claim rising in loss, authority 39.58.040

Qualified public depositaries  
all public deposits must be made with, exceptions 39.58.080

### PUBLIC DISCLOSURE COMMISSION

Sunset act  
repeal 43.131.270  
termination 43.131.269

### PUBLIC FUNDS

Cities and towns  
city street fund  
road district taxes 35.02.140  
uncollected road district taxes 35.02.140

Counties  
county school fund  
compulsory attendance violations, disposition of fines to 28A.27.100  
equipment rental and revolving fund  
equipment purchases 36.82.130

Defined for purposes of budget and accounting system 43.88.020

Horticultural inspection trust fund, established 15.04.100

### PUBLIC FUNDS—Cont.

Investment of local government funds  
administration of chapter by state finance committee 43.250.090  
annual summary 43.250.080  
definitions 43.250.020  
employment of personnel by state treasurer 43.250.050  
public funds investment account 43.250.030, 43.250.040  
purpose 43.250.010  
rules 43.250.060  
separate accounts for political subdivisions 43.250.070

Motor vehicle fund  
moneys from  
sale of  
vehicle licenses to go into 46.68.030  
Puget Sound capital construction account  
prior charge against funds in fixed, repayment 47.60.420

Schools and school districts  
basic education allocation 28A.41.130  
annual apportionments by superintendent of public instruction 28A.41.130  
annual average full time equivalent student 28A.41.130  
general school fund  
preschools and nursery schools, appropriation from 28A.34.010, 28A.34.040  
state funds  
apportionment from  
basic education allocation 28A.41.130

State  
accounting for 43.88.160  
capitol building construction account  
created, moneys transferred to from capitol building construction fund 43.79.330  
commission merchants' fees, disposition of 20.01.130  
community services revolving fund 9.95.360  
crime victim's compensation 7.68.090  
death investigations account established 43.79.445  
disbursement by warrant or check 43.88.160  
employees insurance fund 41.05.040  
flood control assistance account 86.26.007  
general fund  
motor vehicle excise taxes  
temporary allocation to local government study commission account 82.44.151  
public utility district privilege tax  
thermal electric generating facilities 54.28.055  
highway safety fund  
fees for abstract of driver's record to go into 46.52.130  
horticultural inspection trust fund, use 15.04.100  
liquor revolving fund  
distribution  
University of Washington, Washington State University and department of social and health services 66.08.180  
motor vehicle fund  
allocation to  
cities and towns 46.68.100  
counties 46.68.100  
state 46.68.100  
license fees from motor vehicle dealers 46.70.061  
moneys from  
sale of  
vehicle licenses to go into 46.68.030  
Puget Sound capital construction account  
created 47.60.505  
prior charge against funds in fixed, repayment 47.60.420

### PUBLIC FUNDS—Cont.

State—Cont.  
motor vehicle fund—Cont.  
Puget Sound capital construction account—Cont.  
uses 47.60.505  
Puget Sound capital construction account  
prior charges against funds in fixed, repayment 47.60.420  
Puget Sound capital construction account  
created, uses 47.60.505  
Puget Sound ferry and toll bridge system  
trust fund for revenues from sale of bonds  
created 47.60.150  
receipt and keeping of 43.88.160  
state patrol highway account  
created 46.68.030  
state patrol retirement fund 43.43.130  
volunteer firemen's relief and pension fund,  
investment 41.24.030  
Volunteer firemen's relief and pension fund,  
investment 41.24.030  
Worker and community right to know fund  
assessments 49.70.170  
disbursements 49.70.175  
penalties 49.70.177

### PUBLIC LANDS

Commissioner of public lands  
board of natural resources secretary 43.30.150  
natural resources board member 43.30.040  
public meetings, notices of, contained in state register 34.08.020  
salary, amount of 43.03.010

Fire protection  
arrests without warrants 76.04.065  
blasting fuse, use of 76.04.265  
burning permits 76.04.205  
campfires, failure to extinguish 76.04.700  
closure of fire hazard areas 76.04.305, 76.04.325  
contracts for protection and development 76.04.105, 76.04.115, 76.04.125  
cooperative agreements, public agencies 76.04.135  
cooperative protection 76.04.095  
definitions 76.04.005  
department powers and duties 76.04.015  
deposit of fire or live coals during closed season 76.04.435  
disposal of forest debris, clearing roads 76.04.650  
federal funds 76.04.025  
felling trees on another's land, permission to 76.04.650  
fire fighting, employment, assistance 76.04.155  
fire hazards, additional, extreme 76.04.660  
forest fire advisory board 76.04.145  
forest fire protection assessments 76.04.610, 76.04.630  
landowner contingency forest fire suppression account 76.04.630  
lighted material, smoking, ashtrays, notices 76.04.455  
logging operations, shutting down 76.04.325  
mill waste, forest debris, dumping prohibited 76.04.235  
mill wood waste, spark arresters 76.04.215  
negligent spreading of fire 76.04.730  
negligent starting of fires, liability 76.04.495  
notices, removal of 76.04.720  
owners to protect forests 76.04.600  
rangers, ex officio rangers 76.04.045  
reckless burning 76.04.710, 76.04.740  
reports of fire 76.04.445  
rule violations, penalties 76.04.075, 76.04.085

## PUBLIC LANDS

### PUBLIC LANDS—Cont.

- Fire protection—Cont.
  - sealed fire tool box, unauthorized entry 76.04.425
  - service of notices 76.04.055
  - slash burns, escaped 76.04.486
  - snags, certain, to be felled 76.04.465
  - spark-emitting equipment regulated 76.04.405
  - state appropriations, recovery from land-owner contingency fire suppression account 76.04.620
  - suppression
    - reimbursement for costs 76.04.475
  - suspension of burning permits or privileges 76.04.315
  - uncontrolled fire, public nuisance 76.04.750
  - violations, work stoppage 76.04.415
  - wardens 76.04.035
  - wilful setting of fires 76.04.710
- Grant of land, department may accept 79.01.074
- Land bank
  - resource management Ch. 79.66
- Oil and gas leases
  - authorized 79.14.020
  - duration 79.14.020
  - maximum area 79.14.020
- State lands
  - college or university, leasing granted lands which it has improved, purchase authorized, purposes, procedure time limit 79.01.770
  - institution of higher learning
    - leasing granted lands which it has improved, purchase authorized, purposes, procedure 79.01.774
    - time limit 79.01.770
    - purchase of leased lands with improvements by
      - extension of contract period, when, limitation 79.01.778
  - lease of
    - agricultural fairs 36.37.150
    - Northern State Hospital, lands adjacent to 36.37.160
  - school district leasing granted lands which it has improved, purchase authorized, purposes, procedure time limit 79.01.770
- Timber sales
  - notice of tax consequences 84.33.078

### PUBLIC OFFICERS AND EMPLOYEES

- Actions against, defense by state 4.92.060, 4.92.070
- Counties
  - salaries and wages, state committee on agency officials' salaries, duties regarding 43.03.028
- Criminal action for breach of duty or violation of oath, limitation of action for 9A.04.080
- Defined, for Washington Criminal Code 9A.04.110
- Disclosure—Campaign financing—Lobbying—Records
  - administration and enforcement 42.17.370
  - agencies
    - lobbying, expenditure of public funds, limitations 42.17.190
  - applicability of chapter, exceptions 42.17.030
  - campaign financing 42.17.030, 42.17.080, 42.17.090
  - campaign treasurer
    - expenditures
      - report of 42.17.080, 42.17.090
    - report of contributions and expenditures certification of 42.17.080
    - contents 42.17.090

### PUBLIC OFFICERS AND EMPLOYEES—Cont.

- Disclosure—Campaign financing—Lobbying—Records—Cont.
  - campaign treasurer—Cont.
    - report of contributions and expenditures—Cont.
      - public record 42.17.080
  - candidate
    - report of contributions and expenditures certification of 42.17.080
    - contents 42.17.090
    - public record 42.17.080
    - when 42.17.080
  - contribution
    - earmarked 42.17.135
    - report of
      - contents 42.17.090
      - when 42.17.080
  - earmarked contributions 42.17.135
  - election campaign
    - application of chapter, exception 42.17.030
  - expenditures
    - report of
      - contents 42.17.090
      - when 42.17.080
  - late contributions, certain, restricted 42.17.105
  - legislative activities of state agencies and other units of government, reports by lobbying, expenditure of public funds, limitations 42.17.190
  - legislators
    - reports by 42.17.190
  - lobbyist
    - reporting 42.17.190
  - monetary reporting thresholds
    - revisions 42.17.370
  - political committee
    - report of contributions and expenditures
      - contents 42.17.090
      - when 42.17.080
  - public disclosure commission
    - additional powers 42.17.370
    - powers 42.17.370
    - reports
      - contributions and expenditures 42.17.080
  - public facilities, improper use prohibited 42.17.190
  - public records 42.17.310
    - certain records exempt 42.17.310
  - reports
    - contents 42.17.090
    - contributions and expenditures
      - contents 42.17.090
      - when 42.17.080
  - rules, procedures, documents and indexes of state agencies to be public records 42.17.310
  - small political subdivisions
    - exemptions 42.17.405
  - special reports
    - late contributions, certain, restrictions 42.17.105
- Elected officers
  - actions against, defense by state 4.92.060, 4.92.070
- Force, use of, when lawful 9A.16.020
- Health care programs and insurance for state employees insurance fund 41.05.040
- Justifiable homicide 9A.16.040
- Privileged communications 5.60.060
- State
  - actions against, defense by state 4.92.060, 4.92.070
  - classes and number of positions for agency fixed by director of office of financial management, exceptions 43.88.160

## PUBLIC TRANSPORTATION

### PUBLIC OFFICERS AND EMPLOYEES—Cont.

- State—Cont.
  - employee training authorized 43.88.160
  - employees' suggestion awards
    - pay and classification plans, review of, exceptions 43.88.160
  - health care programs and insurance for state employees and officials
    - state employees insurance fund 41.05.040
  - pay and classification plans, review of 43.88.160
  - salaries and wages
    - department heads and others, maximum salaries fixed by state committee on agency officials' salaries 43.03.040
    - elective state officers 43.03.010
    - recommendations of state committee 43.03.028
    - state committee on agency officials' salaries 43.03.028
  - vacations
    - accumulation in excess of 30 days 43.01.044
- World War II reparations
  - municipal employees, redress 41.04.580–41.04.595

### PUBLIC PLACES

- Smoking
  - private workplaces
    - unless prohibited by state fire marshal, other law, regulation, or ordinance 70.160.060

### PUBLIC POLICY

- Against, agreements indemnifying for negligence, construction and maintenance involving real property 4.24.115

### PUBLIC PRINTER AND PRINTING

- Duplicating equipment
  - procurement 43.19.650
- Equipment purchase 43.19.650
- Microfilm equipment
  - procurement 43.19.650
- Printing and duplicating management center operations, fees 43.19.660
- State printing plant
  - revolving fund
    - audit by director of office of financial management 43.78.070
    - costs paid from 43.78.070
    - insurance paid from 43.78.070
    - salary of printer paid from 43.78.070

### PUBLIC PURCHASES

- Emergency purchases 43.19.200
- Prison work programs
  - state agencies and departments
    - purchase required, exceptions 43.19.534
- State purchasing
  - compliance by state officers, employees, etc., required 43.19.200
  - emergency purchases by state officers, etc. 43.19.200
  - estimates, required of state officers, etc. 43.19.200
  - policy for purchasing and material control initial determinations, time 43.19.19052

### PUBLIC SERVANT

- Defined, for Washington Criminal Code 9A.04.110

### PUBLIC TRANSPORTATION

- Parking privileges for the transportation of disabled persons 46.16.381

## PUBLIC UTILITIES

### PUBLIC UTILITIES

- Electrical companies
  - duties as to rates, services and facilities 80.28.010
  - meters
    - tampering, etc. damages 80.28.240
  - rates and charges
    - reasonableness 80.28.010
- Gas companies
  - duties as to rates, services and facilities 80.28.010
  - meters
    - tampering, etc. damages 80.28.240
  - rates and charges
    - reasonableness 80.28.010
- Meters
  - tampering
    - damage recovery 80.28.240
- Pesticide application, application of chapter to public utilities 17.21.220
- Public service companies
  - cancellation, acquisition, of franchise or permit for operation of public service business in territory incorporated into city or town 35.02.160
  - duties as to rates, services, and facilities 80.28.010
- Railroads
  - public utility tax, railroad business, defined 82.16.010
- Service
  - reasonableness 80.28.010
- Sewerage collection
  - public utility excise tax 82.16.020
- Water companies
  - duties as to rates, services and facilities 80.28.010
  - meters
    - tampering, etc. damages 80.28.240
  - public utility excise tax 82.16.020
  - rates and charges
    - reasonableness 80.28.010

### PUBLIC UTILITY DISTRICTS

- Bids and bidding
  - service provider agreements, water quality, bid laws inapplicable 54.04.092
- Billing
  - budget billing or equal payment plan 35.21.300, 80.28.010
- Commissioners
  - oaths and affirmations 54.12.100
- Elections
  - declaration of candidacy 29.21.060
- Fiscal matters
  - taxation
    - privilege tax
      - thermal electric generating facilities distribution 54.28.055
- Insurance
  - pools, liability insurance 48.62.040
- Low-income energy assistance
  - termination of utility heating service limitation 54.16.285, 80.28.010
  - report to legislature 54.16.286, 80.28.011
- Termination of utility heating service
  - limitations 35.21.300, 35.21.300, 54.16.285, 54.16.285, 80.28.010
  - report to legislature 54.16.286, 80.28.011
- Water quality, service provider agreements
  - bid laws inapplicable 54.04.092

### PUBLIC WATER SUPPLY SYSTEM OPERATORS

- Compliance and penalties
  - definitions 70.119A.020

### PUBLIC WATER SUPPLY, OPERATORS

- Cont.
- Compliance and penalties—Cont.
  - enforcement by local boards, penalties 70.119A.050
  - penalties 70.119A.040
  - purpose 70.119A.010
  - violations, failure to comply with order 70.119A.030

### PUBLIC WORKS

- Contracts
  - bond of contractor
    - reservation of moneys for payment of laborers, subcontractors or materialmen 60.28.010
  - personal services
    - legislative review, executive supervision exemption of certain contracts 39.29.040
- Cost accounts and records
  - contents 39.04.070
- Definitions 39.04.010
- Estimates of cost
  - contents 39.04.050
  - filing of 39.04.020
  - publication of 39.04.020
- Farmers home administration projects 60.28.010
- Filings
  - estimate of cost 39.04.020
  - plans and specifications 39.04.020
- Lien for materials furnished, procedure 60.28.015
- Liens
  - release of moneys reserved to pay laborers and suppliers 60.28.010
  - reservation of moneys earned by contractor on estimates to assure payment of labor and supplies furnished 60.28.010
  - trust funds for payment of, retention of money due contractor paid into 60.28.010
- Personal service contracts
  - exemption of certain contracts 39.29.040
  - oversight procedures
    - legislative findings 39.29.060
    - yearly report by agencies 39.29.070
- Plans and specifications
  - filing of 39.04.020
- Public works projects
  - public works assistance account
    - source of revenue 82.16.010, 82.16.020
- Publication
  - estimates of cost 39.04.020
  - work description 39.04.020
- Refuse collection business
  - collection of tax 82.18.030
  - definitions 82.18.010
  - federal government exempt 82.18.050
  - multiple taxation, exemption to avoid 82.18.060
  - public works assistance account, deposit tax in 82.18.040
  - tax imposed 82.18.020
- Small works roster
  - publication of estimate 39.04.020

### PUBLICATION OF LEGAL NOTICES

- Port districts
  - formation 53.04.020
- Public works
  - estimate of cost 39.04.020
  - work description 39.04.020
- Sewer districts
  - local improvement districts, formation 56.20.020

## RACKETEERING

### PUBLICATIONS

- Schools, contracts, award of bids for 28A.58.135
  - Stock restricted areas, order establishing 16.24.030
- ### PUGET SOUND FERRY AND TOLL BRIDGE SYSTEM
- Bond issues for financing
    - additional revenue, refunding bonds authorized—1961 act
      - charge against funds in Puget Sound capital construction account to secure bonds, repayment 47.60.420
      - continued imposition of taxes pledged 47.60.430
    - refunding bonds authorized 47.60.400
    - refunding bonds authorized—1961 act
      - authorization, powers and procedures, generally 47.60.400
  - Disposition of revenue collected 47.60.150
  - Ferry vessels
    - acquisition under 1970 act
      - capital construction account created, uses 47.60.505
      - legislative finding 47.60.500
  - Holding areas for ferry patrons, joint use of municipally owned off-street parking facilities 47.60.550
  - Minimum annual debt service to be met 47.60.440
  - tolls and charges to be revised upon failure 47.60.450
  - Schedule of charges, determining 47.60.150
  - review of 47.60.440, 47.60.450
- ### State ferries
- review of tariffs and charges on authorized, purpose 47.60.440
  - minimum annual debt service to be met 47.60.440
  - tolls and charges to be revised upon failure 47.60.450
- ### System as revenue producing, self-liquidating system 47.60.440
- ### System funds
- trust fund for revenues from sale of Puget Sound ferry and toll bridge system bonds 47.60.150

### PURCHASES

- Emergency purchases 43.19.200
- Prison work programs
  - state agencies and departments
    - purchase required, exceptions 43.19.534
- State purchasing
  - compliance by state officers, employees, etc., required 43.19.200
  - emergency purchases by state officers, etc. 43.19.200
  - estimates, required of state officers, etc. 43.19.200
  - policy for purchasing and material control initial determinations, time 43.19.19052

### QUALIFICATIONS

- Pesticide applicator applicators' license 17.21.090

### QUORUM

- Emergency management compensation boards 38.52.250

### RACKETEERING

- Limitation of actions 9A.04.080



## RADIO

### RADIO

Emergency management, department of, amateur radio operators with special license plates, list furnished to director of 46.16.340

Intercepting private conversation 9.73.030

### RADIOACTIVE WASTE STORAGE AND TRANSPORTATION

Damage potential, liability coverage, department of ecology to review 43.200.200

Federal low-level radioactive waste policy amendments of 1985, implementation 43.200.180

#### Hanford

site closure and perpetual care 43.200.190  
waste disposal surcharges and penalty surcharges

governor may assess 43.200.170

#### Hazardous materials incidents

incident command agencies  
designation by 70.136.030

Immunity of state 70.98.095

Liability coverage 70.98.095

Liability requirements 43.200.200, 43.200.210  
utilities and transportation commission to notify state control agency of change in coverage 81.80.190

Nuclear incidents, storage or transportation liability 4.24.450, 4.24.460

#### Radioactive waste regulation

low-level disposal facility at Hanford

site use permits 70.98.085

surveillance fee 70.98.085

powers and duties of director 43.200.080  
rules 43.200.070

site selection and review

high-level waste 43.200.140

spent nuclear fuel

defined 43.200.015

#### Radioactive waste regulations

low-level radioactive waste  
defined 43.200.015

Waste disposal surcharges and penalty surcharges

governor may assess 43.200.170

### RAFTING (See WHITEWATER RAFTING)

### RAILROADS

#### Cities

first class 35.22.280

Improvements, negligence in, public policy against agreement to indemnify for 4.24.115

#### Passengers

ejecting of, use of force, when lawful

9A.16.020

Public utility tax, railroad business, defined 82.16.010

### RANGE AREAS

Bulls at large in 16.20.020, 16.20.030

### RAPE

#### Statutory rape

first degree

defined 9A.44.070

limitation of actions 9A.04.080

mandatory sentence 9A.44.070

penalty 9A.44.070

second degree

limitation of actions 9A.04.080

### RATES AND CHARGES

Commission merchants 20.01.460

### RATES AND CHARGES—Cont.

#### Interest

rate of interest

consumer finance 31.08.160

#### Storm water control facilities

credit received for initiating improvements 90.03.510

property owners, public entities, create need, pay 90.03.500

public property subject to 36.89.085, 36.94.145

public property subject to rates and charges 35.67.025, 35.92.021

### REAL ESTATE BROKERS AND SALESMEN

#### Licenses

application 18.85.120

examination 18.85.120

fees 18.85.120

### REAL ESTATE SALES EXCISE TAX

Mobile home defined 82.45.032

Real estate defined 82.45.032

Used mobile home defined 82.45.032

### REAL PROPERTY

Banks and trust companies, powers as to purchase and conveyance of real property 30.04.210

#### Business and occupation tax

rental of real property, as rental sale 82.04.050

repairing real property of or for consumers as retail sale 82.04.050

#### Cities and towns

first class cities, power to deal with 35.22.280

#### Defense of, use of force, when lawful

9A.16.020

#### Force, use of, when lawful 9A.16.020

"Hold-harmless" agreements, construction, repair, when against public policy, effect 4.24.115

#### Improvement

claims arising on 4.16.300

limitation on 4.16.310

negligence related to, agreement to indemnify for, public policy against 4.24.115

#### Liens

timber and lumber 60.04.045

Protection of, use of force, when lawful 9A.16.020

#### Real estate sales excise tax

mobile home, defined 82.45.032

real estate, defined 82.45.032

used mobile home, defined 82.45.032

### RECIPROCITY

Practical nurses 18.78.070

### RECOGNIZANCE

#### Forfeiture

judgment against principal and sureties, execution 10.19.090

### RECORDING, ELECTRONIC

#### Private conversations

law enforcement officers

judicial authorization 9.73.090

police, fire, and certain emergency response personnel, exemption 9.73.090

prohibition, exceptions 9.73.030

### RECORDING AND FILING

Fleet vehicles, proportional registration applications 46.85.120

## REGIONAL UNIVERSITIES

### RECORDING AND FILING—Cont.

#### Foreign corporations

recording fees 23A.40.020

statement of shares, property, etc. 23A.32.050

Logging liens 60.24.075

#### Public works

estimate of cost 39.04.020

plans and specifications 39.04.020

#### Tort claims against

state 4.92.100

### RECORDS AND DOCUMENTS

Accountants, remain property of accountant making them 18.04.390

#### Charitable solicitations

availability 19.09.200

#### Child abuse and dependent adult abuse

central registry, confidentiality 26.44.070

#### Criminal identification, See STATE PATROL, subtitle Identification and criminal

history section

#### Preservation of

public records

costs incurred in reproducing, payment of 40.10.020

reproduction, storage and safeguarding 40.10.020

#### Public

archives and records management division

duties concerning public records

40.14.020

#### State archivist

duties 40.14.020

### RECREATION

#### Recreation advisory committee

department of natural resources to form committee 43.30.380

#### Water creation facilities

legislative findings 70.90.100

#### Water recreation facilities

civil penalties 70.90.200

definitions 70.90.110

enforcement 70.90.140

fees 70.90.150

hearing, notice 70.90.210

insurance required 70.90.230

local health ordinances not affected

70.90.220

modification or reconstruction of facility,

procedure 70.90.160

operating permit 70.90.170

recreational water contact facility advisory

committee 70.90.130, 70.90.902

reporting of injury, disease, or death

70.90.190

rules 70.90.120

state and local health jurisdictions, liability

70.90.180

### REFORMATORIES

Cities and towns, first class cities, establishment and maintenance of 35.22.280

### REFUNDS

#### Insurance

cancellations 48.18.290

### REGIONAL UNIVERSITIES

#### Courses, studies and instruction

state board to prescribe 28A.04.120

#### Entrance requirements

relative to teacher, school administrator, or school specialized personnel certification

investigation by state board of education 28A.04.120

## REGIONAL UNIVERSITIES

### REGIONAL UNIVERSITIES—Cont.

- Fees
  - tuition
    - defined 28B.15.020
    - reflect instructional cost 28B.15.067
- Program of courses, leading to teacher, school administrator, or school specialized personnel certification, studies and instruction, state board to approve 28A.04.120
- Tuition and fees
  - waiver
    - limitation on total tuition and fee waivers 28B.15.740
- Tuition fees
  - reflect instructional cost 28B.15.067

### REGISTER

- Retail installment contract
  - interest rates, state treasurer to publish in register 63.14.135

### RELIGION

- Prayer, health treatment 18.25.090

### RELIGIOUS ORGANIZATIONS

- Nonprofit corporations, authorized 24.03.015

### REMEDIES

- Corporations
  - nonprofit
    - survival of remedy 24.03.300
- Vehicle unfair practices act, election of remedies 46.70.190

### REPORTS

- Disclosure—Campaign financing—Lobbying—Records 42.17.080, 42.17.090, 42.17.105, 42.17.135, 42.17.190, 42.17.310, 42.17.370
- Schools and school districts, compulsory school attendance law, reports required under 28A.27.040

### RESIDENTIAL SCHOOLS

- Alternatives to 72.33.125
- Services or facilities as alternatives to application
  - determination of eligibility 72.33.125
  - implementation 72.33.125
  - report to legislature 72.33.125

### RESTITUTION

- Sentencing 9.94A.120

### RETAIL INSTALLMENT SALES OF GOODS AND SERVICES

- Interest
  - highest rate permissible published in Washington State Register 34.08.020

### RETIREMENT

- Public employees' retirement system
  - contributions
    - no contribution if no service credit 41.40.361

### RETIREMENT AND PENSIONS

- Corrections, department of
  - temporary disability 41.40.225
- Cost-of-living adjustments
  - appropriation to be in omnibus biennial operating appropriations act 43.88.085
- Disability benefits
  - motor vehicles, driving ability certificate, evidence concerning disability 46.20.041

### RETIREMENT AND PENSIONS—Cont.

- Drivers' licenses
  - disability, driving ability certificate, evidence for retirement benefits 46.20.041
- Firemen—1947 act
  - fire insurance premium tax
    - distribution, basis for 41.16.050
    - payment into pension fund 41.16.050
  - pension fund
    - fire insurance premium tax, payment into 41.16.050
      - how constituted 41.16.050
- Higher education service credit prior to 7/1/53, recovery 41.40.527
- Law enforcement officers and fire fighters
  - beneficiaries under death benefits 41.26.160
  - death benefits 41.26.160
  - retirement for disability
    - incurred in the line of duty
      - disability board, duties 41.26.120
      - eligibility 41.26.120
      - medical examination 41.26.120
      - time for filing application 41.26.120
      - not incurred in the line of duty 41.26.125
    - surviving spouse benefits 41.26.160
    - widows benefits 41.26.160
- Law enforcement officers and fire fighters—1977 act
  - contribution rates 41.26.450
  - no contributions if no service credit earned 41.26.450
  - unfunded liability, contribution rate 41.26.450
- Public employees' retirement system
  - contributions
    - amount of 41.40.330
    - employer 41.40.361, 41.40.370
    - expense fund contributions transferred to retirement expense fund account 41.40.330
    - no contributions if no service credit 41.40.330, 41.40.370
  - cost-of-living adjustment 41.40.198
  - disability in line of duty 41.40.200
  - disability not in line of duty
    - retirement allowance, amount, maximum 41.40.235
  - disability not in the line of duty
    - death benefit 41.40.235
  - duty disability retirement recipients 41.40.223
  - higher education service credit prior to 7/1/53, recovery 41.40.527
  - judges
    - disability in line of duty 41.40.200
  - liquor control board agency members not eligible for membership 41.40.120
  - membership
    - employees of institution of higher learning or community colleges 41.40.120
    - labor guild, association, or organization elected officials 41.40.120
    - liquor control board agency vendors not eligible 41.40.120
    - persons not eligible 41.40.120
    - qualifications 41.40.120
    - restoration of service credit 41.40.150
    - termination 41.40.150
  - occupational disease 41.40.200
  - retirement allowances
    - minimum, computation 41.40.198
    - nonduty disability, amount, maximum 41.40.235
  - state patrol, transfer of reestablished service credit 41.40.535
  - temporary disability of corrections employees 41.40.225
  - unfunded liability contribution 41.40.361

### RETIREMENT AND PENSIONS—Cont.

- Public employees' retirement system—1977 act
    - contribution rates 41.40.650
    - no contribution if no service credit 41.40.650
    - unfunded liability, contribution rate 41.40.650
  - Retirement systems, department of director
    - appointment of 43.17.020
    - payment of benefits to spouse or ex-spouse pursuant to court decree of dissolution or legal separation
      - application of act 41.04.330
      - effective date 41.04.330
    - court order or court-approved property settlement
      - application of act 41.04.330
      - effective date 41.04.330
  - State patrol
    - cadets, service credit 43.43.130
    - definitions
      - employees 43.43.130
    - reestablishment of former service credit by PERS members 43.43.137
    - transfer of reestablished service credit 41.40.535
  - Teachers
    - cost-of-living adjustment 41.32.485
    - membership in system
      - restoration of service credit 41.32.500
      - retention of membership 41.32.500
      - termination of membership 41.32.500
    - resumption of employment and restoration of service credit 41.32.500
    - retirement allowances
      - cost-of-living adjustment 41.32.485
    - suspension of pension on reemployment 41.32.570
  - Teachers—1977 act
    - contribution rates, employers, members 41.32.775
    - no contribution if no service credit earned 41.32.775
    - unfunded liability, contribution rate 41.32.775
  - Volunteer firemen
    - contributions by fireman and municipal corporation 41.24.030
    - death benefits 41.24.160
    - disability payments 41.24.150
    - fire insurance premium tax, payment into relief and pension fund 41.24.030
    - funeral expenses 41.24.230
    - investments permitted from pension fund 41.24.030
    - lump sum payments
      - death benefits 41.24.160
      - disability payments 41.24.150
    - relief and pension fund
      - contributions by fireman and municipal corporation 41.24.030
      - created 41.24.030
      - fire insurance premium tax, payment into 41.24.030
      - how constituted 41.24.030
      - investment permitted from retirement fund 41.24.030
- ### REVENUE, DEPARTMENT OF
- Boats
    - listing of taxable boats
    - assessment 84.40.065
  - Cigarette sales licenses
    - wholesaler's cost
    - federal income tax as standard 19.91.010

**REVENUE, DEPARTMENT OF****REVENUE, DEPARTMENT OF—Cont.**

Corporations  
nonprofit  
dissolution, voluntary  
notice of 24.03.220

Director  
appointment of 43.17.020

Economic and revenue forecasts  
preparation of 82.01.120

supervisor  
employ, need approval of economic and  
revenue forecast council 82.01.120  
work group created 82.01.135

Lottery prize winnings set-off by debts owed  
state 67.70.255

Privilege tax, public utility districts  
distribution 54.28.055

Public utility districts  
privilege tax, duties  
thermal electric generating facilities  
54.28.055

Tax deferrals for manufacturing, research, and  
development projects  
report to legislature 82.61.070

Unclaimed property, uniform act  
notice and publication of lists 63.29.180

**REVOCAATION**

Electricity, board of electrical examiners, revo-  
cation or suspension of license, appeals to  
19.28.310

Fireworks licenses, grounds 70.77.375

Licenses  
committee appointed to hear 43.24.110  
complaint 43.24.110

Vehicles  
dealers' licenses  
deficiency in surety bond as grounds for  
46.70.070

**REWARDS**

County, city, town, or port  
authority to offer 10.85.030  
conflicting claims 10.85.040  
payment 10.85.050

**RIOTS**

Cities and towns, second class cities, preven-  
tion and control of 35.23.440

Homicide, committed in suppression of, justifi-  
able 9A.16.040

**RISK MANAGEMENT OFFICE**

Claims against state, filing, payment 4.92.040

Director  
tort claims against state presented and filed  
with 4.92.100, 4.92.110

Tort claims against state  
authorization and payment of moneys from  
tort claims revolving fund, by, prerequi-  
sites 4.92.160  
reimbursement of tort claims revolving fund,  
powers and duties concerning 4.92.170  
report to legislature 4.92.170  
rules and regulations 4.92.170

**RIVER AND HARBOR IMPROVEMENT DISTRICTS**

Elections, time for holding 29.13.020

**RIVERS AND STREAMS**

Cities and towns  
third class cities, powers over 35.24.290  
towns, control of 35.27.370

Hydraulic permits  
approval of, not unreasonably withheld  
75.20.100

**RIVERS AND STREAMS—Cont.**

Hydraulic permits—Cont.  
review period, scope  
food fish, game fish 75.20.050  
violations, civil penalties 75.20.106

Recreational passenger watercraft  
alcohol prohibited 91.14.060  
civil penalty 91.14.110  
death or disappearance from, notice require-  
ments 91.14.080  
definitions 91.14.010  
enforcement 91.14.100  
federal law, supplement to 91.14.100  
operation of 91.14.020  
operators, first aid card required, exception  
91.14.040  
registration, liability insurance 91.14.090  
regulated, purpose 91.14.005  
rights of way 91.14.030  
safety equipment 91.14.050  
solo trips prohibited 91.14.060  
whitewater river sections designated  
91.14.070

Whitewater river sections designated  
91.14.070

**ROADS AND BRIDGES**

Emergency information telephone services  
accessibility from all phones 43.17.230

Improvements or construction is prerequisite  
to development  
alternative financing method 35.72.050

Incorporation of cities or towns  
roads, county, revert to city or town  
35.02.180

Left-hand lane  
traffic safety education courses in schools to  
teach use 28A.08.080

**ROBBERY**

Insurance of banks and trust companies  
against required 30.12.030

**ROOMING HOUSES**

Business and occupation tax, charge for lodg-  
ing as retail sale 82.04.050

**RULES AND REGULATIONS**

Commission merchants  
fees, disposition 20.01.130

**RULES OF CONSTRUCTION**

Washington Criminal Code  
tense, gender, number 9A.04.110

**RULES OF COURT**

Supreme court  
rules, adopted, not published to be included  
in state register 34.08.020

**RULES OF THE ROAD**

Left-hand lane  
traffic safety education courses in schools to  
teach use 28A.08.080

**RURAL ARTERIAL PROGRAM**

Six-year construction programs  
perpetual advanced plans for coordinated  
road program 36.81.121

**SAFETY**

Alternative fuel source  
placard required 46.37.467

Glass, commission on equipment for motor ve-  
hicles, duties 46.37.430

**SALARIES AND WAGES****SAFETY—Cont.**

Motor vehicles, seat belts, shoulder harnesses,  
required before sale or registration of vehi-  
cle 46.37.510

Portable oil-fueled heater  
standards for sale and use  
jurisdiction of director of community de-  
velopment through director of fire  
protection 19.27A.110

Seat belts  
children, motor vehicle requirement  
46.61.687  
mandatory 46.61.688

Tinted glass on motor vehicles 46.37.430

**SALARIES AND WAGES**

Administrative hearings, office of 34.12.100

Citizens' commission on salaries for elected of-  
ficials  
chairperson 43.03.310  
court of appeals judges 2.06.062  
created 43.03.305  
district court judges 3.58.010  
duties 43.03.010, 43.03.310  
legislative declaration, purpose 43.03.300  
membership, terms, vacancies 43.03.305  
superior court judges 2.08.092  
supreme court justices 2.04.092  
travel expenses 43.03.310

Colleges and universities  
salary and fringe benefit surveys  
requirements 28B.16.112

Court of appeals judges 2.06.062

District court judges 3.58.010

Industrial insurance  
temporary total disabilities  
earnings during disability, loss required  
51.32.090  
receiving wages during disability  
51.32.090

Insurance commissioner 43.03.010

Judges  
court of appeals 2.06.062  
district court judges 3.58.010  
municipal court judges 3.58.010  
superior court judges 2.08.092  
Justices, supreme court 2.04.092

Legislative members 43.03.010

Municipal judges 3.58.010

State committee on agency officials' salaries  
created 43.03.028  
duties 43.03.028  
recommendations 43.03.028

State officers and employees  
attorney general  
amount of 43.03.010  
auditor  
amount of 43.03.010  
commissioner of public lands  
amount of 43.03.010  
department heads and others, maximum sal-  
aries fixed by state committee on agency  
officials' salaries 43.03.040  
elective state officers 43.03.010  
governor  
amount of 43.03.010  
insurance commissioner 43.03.010  
legislative members 43.03.010  
lieutenant governor  
amount of 43.03.010  
secretary of state  
amount of 43.03.010  
state committee on agency officials' salaries  
43.03.028  
superintendent of public instruction  
amount of 43.03.010  
treasurer  
amount of 43.03.010

Superior courts  
judges 2.08.092

## SALARIES AND WAGES

### SALARIES AND WAGES—Cont.

Supreme court justices 2.04.092

#### Wages

defined for purposes of unemployment compensation 50.04.320

### SALES

Automatic dialing devices, telephone solicitation using, prohibited 80.36.400

Industrial insurance employers, invalid when delinquent 51.16.150

Motor vehicles, sale or transfer of seat belts, shoulder harnesses, required before sale of new vehicle 46.37.510

Telephone solicitation automatic dialing devices, prohibited 80.36.400

regulated 80.36.390

#### Used vehicles

posting or disclosure of asking price 46.70.125

### SAN JUAN COUNTY

Superior court judges, number of 2.08.065

### SATISFACTION OF JUDGMENTS

Judgments against state 4.92.040

### SCHOOL DIRECTORS' ASSOCIATION

Motor vehicle transportation services 43.19.560

Staff classifications and employee salaries audit 28A.61.070

### SCHOOLS AND SCHOOL DISTRICTS

Accrediting of, pre-accreditation examination and evaluation 28A.04.120

Admission qualifications 28A.58.190

Child abuse information in common school curriculum 28A.04.120, 28A.05.010

Civil liability of district board of directors and superintendent 4.24.268

#### Common schools

qualification for admission 28A.58.190

#### Compulsory attendance

age limits 28A.27.010

#### attendance officers

appointment, compensation, qualifications, authority, records 28A.27.040  
petition to juvenile court to assume jurisdiction 28A.27.022

county prosecuting attorney or school district attorney to act 28A.27.110

court jurisdiction 28A.27.100

#### exemptions and excuses from

excused temporary absences 28A.27.010

part time school students 28A.27.010

physical or mental disability 28A.27.010

proficiency in first nine grades

28A.27.010

regularly, lawfully employed 28A.27.010

extension programs of private schools,

exception 28A.27.010

home schooling, exception 28A.27.010

penalties, generally 28A.27.100

suspension of fine, when 28A.27.100

person having custody shall cause child to attend 28A.27.010

petition to juvenile court to assume jurisdiction 28A.27.022

private and/or parochial school defined for purposes of 28A.27.010

proof of absence as evidence of violation

28A.27.010

report compilation to educational service

districts 28A.27.140

## SCHOOLS AND SCHOOL DISTRICTS

### SCHOOLS AND SCHOOL DISTRICTS—Cont.

#### Compulsory attendance—Cont.

residential schools, attendance as compliance 28A.27.010

school's duties upon juveniles failure to attend school, generally 28A.27.020

#### violations

defenses 28A.27.100

#### Courses, studies and instruction

arithmetic 28A.05.010

English grammar 28A.05.010

history 28A.05.010

hygiene 28A.05.010

intoxicating liquor, effect 28A.05.010

manners and conduct 28A.05.010

narcotics, effect 28A.05.010

orthography 28A.05.010

penmanship 28A.05.010

physical exercise, beneficial effects

28A.05.010

physiology 28A.05.010

reading 28A.05.010

student learning objectives

program, establishment, scope, review and reports on 28A.58.090

United States history 28A.05.010

worth of kindness to all living creatures

28A.05.010

Dropout statistics 28A.58.087

#### Elections

##### directors

oath of office 28A.57.322

nonpartisan primaries

declarations of candidacy 29.21.060

times for holding 29.13.020

generally 29.13.020

Emergencies, rules and regulations for emptying school building in 28A.04.120

#### Evaluation of teachers

minimum procedural standards and model

evaluation programs 28A.67.225

#### Examinations

##### questions

prepared by state board of education

28A.04.120

#### Excellence in education

college tuition waiver for teachers and principals 28B.15.547

#### Extension programs for parents to teach children

exception to mandatory public school attendance 28A.27.010

#### Fire protection, department of community development

duties 48.48.045

#### Funds

basic education allocation

apportionment to school districts

28A.41.130

annual distribution according to annual

average full time equivalent student

28A.41.130

#### general school fund

preschools and nursery schools, appropriation for 28A.34.010, 28A.34.040

preschools and nursery schools, allocation of funds for Ch. 28A.34

#### transportation

reimbursement 28A.24.055

#### High schools

establishment of secondary programs or

grades nine through twelve in nonhigh

districts, approval of state board

28A.04.120

examination and accreditation by state

board of education 28A.04.120

secret societies, existence precludes accreditation 28A.04.120

### SCHOOLS AND SCHOOL DISTRICTS—Cont.

#### Home schooling

defined 28A.27.010

exception to mandatory public school attendance 28A.27.010

#### Indebtedness

computation of indebtedness 39.36.030

#### Insurance

insurance relative to transporting students,

etc. 28A.24.055

pools for liability insurance 48.62.040

Outline of study for common schools, state

board of education to prepare 28A.04.120

Preadmission screening 28A.58.190

#### Preschools and nursery schools

allocation of funds for 28A.34.010–

28A.34.040

appropriation from district general fund for

28A.34.010, 28A.34.040

charges for attending 28A.34.010

#### early childhood assistance

advisory committee 28A.34A.050,

28A.34A.100

definitions 28A.34A.020

department of community development to

administer program 28A.34A.030

eligibility, funding, applicant requirements

28A.34A.040

gifts, grants, support 28A.34A.110

governor's report to legislature

28A.34A.080

intent 28A.34A.010

review and designation of programs

28A.34A.070

rules 28A.34A.060

state support, funding level 28A.34A.090

establishment and maintenance discretionary

28A.34.050

expenditures, how made 28A.34.020

includes before-and-after school and vacation

care 28A.34.010

minimum standards 28A.34.010

regulations by state board of education

28A.34.020

#### voluntary accreditation

advisory committee, option to establish

28A.34.120

definitions 28A.34.110

intent 28A.34.100

prohibited practices 28A.34.130

standards 28A.34.120

#### Private schools

##### school buses

maintenance agreements with public

schools 28A.58.107

use of, authorized 28A.24.065

Private vocational schools, See PRIVATE

VOCATIONAL SCHOOLS

#### Pupils

qualification for admission in district's

schools 28A.58.190

student learning objectives

program, establishment, scope, review and

reports on 28A.58.090

Reevaluation of courses by state board of education

28A.04.120

#### School districts

##### attorney

compulsory attendance law, to act under

28A.27.110

##### compulsory attendance

school's duties upon juvenile's failure to

attend school, generally 28A.27.020

##### directors

civil liability, limitations 4.24.268

employee suggestion program

authority 28A.02.320

awards 28A.02.325

**SCHOOLS AND SCHOOL DISTRICTS—**

Cont.  
 School districts—Cont.  
 directors—Cont.  
 excellence in education  
 award program 28A.03.523,  
 28A.03.529  
 duties 28A.03.532  
 education grant, when 28A.03.538  
 oath of office 28A.57.322  
 powers and duties  
 student learning objectives, program,  
 establishment, scope, review and re-  
 ports on 28A.58.090  
 preschools and nursery schools, board's  
 authority Ch. 28A.34  
 fire protection, department of community  
 development  
 duties 48.48.045  
 indebtedness  
 computation of indebtedness 39.36.030  
 organization and reorganization  
 reorganization, state board of education  
 to act 28A.04.120  
 state board of education to act  
 28A.04.120  
 principals  
 excellence in education  
 award program 28A.03.523  
 duties 28A.03.532  
 grant in lieu of waiver of tuition and  
 fees 28A.03.535  
 property, real and personal  
 reading materials, obsolete, surplus, dis-  
 posal of, procedure 39.33.070  
 qualification for admission to districts  
 schools 28A.58.190  
 rules and regulations  
 government of common schools prepared  
 by board 28A.04.120  
 school closures  
 citizen involvement  
 emergencies exempt 28A.58.032  
 superintendent  
 civil liability, limitations 4.24.268  
 excellence in education  
 award program 28A.03.523,  
 28A.03.529  
 duties 28A.03.532  
 educational grant, when 28A.03.538  
 Secret societies, existence in high school pre-  
 cludes accreditation 28A.04.120  
 State granted lands under lease with improve-  
 ments by school district or institutions of  
 higher learning, purchase authorized, pur-  
 poses, procedure 79.01.774  
 time limit 79.01.770  
 Student learning objectives  
 program, establishment, scope, review and  
 reports on 28A.58.090  
 Tax action  
 real estate sales excise tax  
 real estate defined 82.45.032  
 Taxation  
 elections, for special levies 84.52.053  
 real estate sales excise tax  
 mobile home defined 82.45.032  
 used mobile home defined 82.45.032  
 Teachers  
 evaluation  
 minimum procedural standards and mod-  
 el evaluation programs 28A.67.225  
 excellence in education  
 award program 28A.03.523  
 Christa McAuliffe award 28A.03.526  
 duties 28A.03.532  
 grant in lieu of waiver of tuition and  
 fees 28A.03.535  
 Traffic safety education courses in schools  
 left-hand lane usage 28A.08.080

**SCHOOLS AND SCHOOL DISTRICTS—**

Cont.  
 Transportation  
 district's duty to provide 28A.24.055  
 for educational and recreational programs  
 by others, limitations, reimbursement  
 28A.24.055  
 from one district to another, contracts  
 28A.24.055  
 insurance against theft, fire, property dam-  
 age or liability 28A.24.055  
 providing own transportation within two  
 mile distance 28A.24.055  
 school buses  
 maintenance of  
 joint agreement with private schools  
 28A.58.107  
 rental or lease for emergency purposes  
 28A.24.172  
 vehicle license and plates, inspection re-  
 quisite 46.16.020  
 school district transportation commission  
 use of tires with studs 46.37.420  
 to school activities, options, reimbursement  
 28A.24.055  
 Transportation for elderly persons 28A.24.055

**SCIENTIFIC ORGANIZATIONS**

Nonprofit corporations, authorized 24.03.015

**SEALS**

Municipal courts 3.50.115

**SEARCH AND RESCUE**

Coordinator of search and rescue operations  
 powers and duties 38.52.030  
 Duties of emergency management agency re-  
 lated to search and rescue 38.52.400,  
 38.52.410

**SEARCH AND SEIZURE**

Fireworks  
 judicial action for recovery, return  
 70.77.440  
 seizure by state fire marshal 70.77.435

**SEARCHES**

Strip, body cavity searches  
 application of law 10.79.120  
 damages, actions for 10.79.110  
 injunctive relief 10.79.110  
 physical exams for public health purposes  
 are not searches 10.79.160  
 search delayed, nonliability of government  
 for damage 10.79.170  
 uncategorized searches 10.79.140  
 unnecessary persons prohibited at search  
 10.79.150  
 warrant requirement 10.79.130  
 written record required 10.79.150  
 Strip searches, body cavity searches  
 alternatives, less intrusive 10.79.140  
 reasonable suspicion, probable cause  
 10.79.130, 10.79.140

**SEAT BELTS**

Mandatory 46.61.688  
 Physician's verification regarding inability to  
 wear, immunity from liability 4.24.235  
 Required before sale or registration of vehicle  
 46.37.510

**SECRETARY OF STATE**

Archives and records management division  
 duties concerning public records 40.14.020

**SECRETARY OF STATE—Cont.**

Elections  
 reimbursement of costs, interest to be paid  
 by secretary of state 29.13.048  
 Fees  
 filing documents and issuing certificates  
 23A.40.020  
 Medal of merit committee, secretary to  
 1.40.020  
 Nonprofit corporations  
 appeal from 24.03.445  
 Process deposited with  
 foreign corporations, when 23A.32.100  
 Public meetings, notices of, contained in state  
 register 34.08.020  
 Salary, amount of 43.03.010  
 Service of process  
 foreign corporations, records of 23A.32.100  
 nonprofit corporations 24.03.060  
 State archivist  
 duties 40.14.020

**SECURITIES**

Livestock security interests  
 filing of financing statement  
 fee 16.59.030  
 index of statements for publication  
 16.59.040

**SECURITIES ACT**

Civil liabilities, penalties, limitation of action  
 21.20.430  
 Exemptions  
 transactions 21.20.320  
 Fees, disposition 21.20.340  
 Registration of broker-dealers, salesperson, in-  
 vestment advisors, and investment advisor  
 salesperson  
 denial, suspension, or revocation of registra-  
 tion  
 grounds, procedure 21.20.110  
 exempt transactions 21.20.320  
 fees, disposition 21.20.340  
 Registration of securities  
 coordination, registration by  
 fees, disposition 21.20.340  
 exempt transactions 21.20.320

**SELF-DEFENSE**

Force, use of, when lawful 9A.16.020

**SENIOR CITIZENS**

Absentee voting  
 ongoing status for disabled, blind, or elderly  
 status criteria 29.36.013  
 termination every other year with renewal  
 option 29.36.016  
 Automobile insurance  
 premium reduction for accident prevention  
 course 48.19.460–48.19.490  
 Criminal mistreatment  
 defense, financial inability 9A.42.050  
 defined 9A.42.010  
 first degree 9A.42.020  
 second degree 9A.42.030  
 withdrawal of life support systems not appli-  
 cable to chapter 9A.42.040  
 Meals  
 retail sales tax exemption 82.08.0293  
 use tax exemption 82.12.0293  
 Park passes, camping 43.51.055  
 Parking privileges for the transportation of  
 disabled persons 46.16.381  
 Property tax delinquency  
 certificate of delinquency, issuance prohibi-  
 ted 84.64.050

**SENTENCES**

Anticipatory offenses 9.94A.410  
 Community service by offenders  
   workers' compensation and liability insurance coverage 51.12.045  
 Consecutive, concurrent 9.94A.120, 9.94A.400  
 County, state facilities, confinement determined by length of term 9.94A.190  
 Criminal justice information act, See **CRIMINAL JUSTICE INFORMATION ACT**  
 Departure from guidelines 9.94A.390  
 Determinate sentence when range has not been established 9.94A.120  
 Exceptional 9.94A.120  
 First time offenders 9.94A.120  
 Juvenile justice  
   disposition order  
     violation of order 13.40.200  
   juvenile disposition standards commission composition 13.40.025  
   responsibilities 13.40.027  
   restitution  
     violation of order 13.40.200  
 Minimum terms 9.94A.120  
 Offender score 9.94A.330, 9.94A.360  
 Offenders performing community service  
   workers' compensation and liability insurance coverage 51.12.045  
 Police investigations 9.94A.440  
 Presumptive sentencing range 9.94A.370, 9.94A.410  
 Prosecuting standards 9.94A.310  
   evidentiary sufficiency  
     decisions to prosecute 9.94A.440  
     police investigation 9.94A.440  
 Ranges 9.94A.120  
 Restitution 9.94A.120  
 Sentencing grid 9.94A.310  
 Sentencing guidelines commission established, powers, duties 9.94A.040  
   report  
     anticipatory offenses 9.94A.410  
     consecutive or concurrent sentences 9.94A.400  
     departure from guidelines 9.94A.390  
     offender score 9.94A.330, 9.94A.360  
     presumptive sentencing range 9.94A.370, 9.94A.410  
     prosecuting standards 9.94A.310  
     evidentiary sufficiency  
       decisions to prosecute 9.94A.440  
       police investigation 9.94A.440  
     sentencing grid 9.94A.310  
     seriousness level 9.94A.320  
 standards, ranges  
   legislative approval of modifications 9.94A.070  
 standards ranges  
   establishment 9.94A.040  
 Sentencing hearings 9.94A.110  
 Sentencing reform act of 1981  
   definitions 9.94A.030  
 Seriousness level 9.94A.320  
 Sexual offender treatment programs 9.94A.120  
   legislative intent 9.94A.123  
 Standards, ranges  
   establishment 9.94A.040  
   legislative approval of modifications 9.94A.070  
 Victim impact statement  
   court to consider at sentencing hearing 9.94A.110

**SENTENCING GUIDELINES COMMISSION** (See **SENTENCES**, subtitle Sentencing guidelines commission)

**SERVICE OF PROCESS AND PAPERS**

Complaints  
   actions against state 4.92.020  
 Corporations  
   foreign corporations  
     resident agent 23A.32.090, 23A.32.100  
     failure to maintain agent, service on secretary of state 23A.32.100  
   nonprofit corporations 24.03.060  
 Foreign corporations, generally 23A.32.100  
 Legal holidays, issuance of certain process or subpoenas 2.28.100  
 Mail, corporations, service by, when 23A.08.110  
 Prevention or resistance to, assault, third degree 9A.36.030  
 Resistance to, assault, third degree 9A.36.030  
 Secretary of state  
   corporations, service of process on 23A.08.110  
   foreign corporation failing to maintain agent in state 23A.32.100  
 State, actions against 4.92.020  
 Summons  
   actions against state 4.92.020

**SERVICE PROVIDER AGREEMENTS--WATER QUALITY**

Additional method 70.150.070  
 Bid requirements, cities and towns, inapplicable 35.94.050  
 Bid requirements of cities and towns inapplicable 35.23.351  
 Contents, funds 70.150.030  
 County lease statutes inapplicable 36.34.192  
 Definitions 70.150.020  
 Grants or loans, eligibility 70.150.060  
 Legislative intent 70.150.010  
 Prevailing wages, public contract statutes 70.150.080  
 Procedural requirements 70.150.040  
 Public utility district bid laws inapplicable 54.04.092  
 Public works statute is inapplicable 39.04.175  
 Sale, lease, or assignment of public property 70.150.050  
 Sewer districts, bid laws inapplicable 56.08.092  
 Water districts, bid laws inapplicable 57.08.017

**SERVICE STATIONS**

Retail trading practices  
   burden of proof 19.120.130  
 civil actions  
   damages, fees 19.120.110, 19.120.120  
   criminal actions 19.120.120  
   damage, rescission, or other relief 19.120.090  
 definitions 19.120.010  
 franchise  
   considered personal property 19.120.040  
   offers, sales, or purchases, unlawful acts 19.120.070  
   real property or improvements, sale, right of first refusal 19.120.050  
   sale of to  
     corporation 19.120.030  
     third party 19.120.020  
 limitation period 19.120.100  
 refiner-supplier  
   prohibited conduct 19.120.060  
 rights and prohibitions between refiner-supplier and retailer 19.120.080

**SEWER DISTRICTS**

Annexation  
   funds may be expended to inform residents of proposal 56.24.210

**SEWER DISTRICTS—Cont.**

Bids and bidding  
   service provider agreements, water quality, bid laws inapplicable 56.08.092  
 Commissioners  
   districts 56.12.030  
   election 56.12.030  
   nominations 56.12.030  
   vacancies 56.12.030  
 Elections  
   times for holding 29.13.020  
 Fiscal matters  
   funds  
     maintenance or general fund  
     deposit or investment of 56.16.160  
 Insurance  
   pools for liability insurance 48.62.040  
 Rates and charges  
   storm water control facilities, public property 56.08.012  
 Service provider agreements, water quality, bid laws inapplicable 56.08.092  
 Special districts  
   uniform procedures for creation and operation  
     definitions 85.38.010  
     governing board 85.38.070  
 Storm water control facilities, rates and charges 56.08.012  
 Storm water control facilities  
   rates and charges  
     credit received for initiating improvements 90.03.510  
     definitions 90.03.520  
     state highway rights of way, with respect to 90.03.525

**SEWERAGE, WATER AND DRAINAGE SYSTEMS--COUNTIES**

Annexation, transfer of system upon annexation of area 36.94.180  
 Incorporation, transfer of system upon incorporation of area 36.94.180  
 Transfer of system upon incorporation of area 36.94.180  
 Transfer of systems upon annexation of area 36.94.180

**SEWERAGE SYSTEMS**

Construction  
   third class cities 35.24.290  
 Construction and maintenance of, power to compel connections with 35.27.370  
 Second class cities, general systems 35.23.440  
 Third class cities 35.24.290

**SEX CRIMES**

Treatment programs  
   legislative intent 9.94A.123

**SEXUAL EXPLOITATION OF CHILDREN**

Communication with a minor for immoral purposes 9.68A.090  
 Defenses 9.68A.110  
 Witnesses  
   duty to report attempts and offenses 9.69.100

**SEXUAL OFFENDERS**

Sentences 9.94A.120

**SHEEP**

Theft of 9A.56.080

**SHERIFFS**

Amateur radio operators with special license plates, list of furnished to 46.16.340

**SHERIFFS—Cont.**

Criminal justice information act, See **CRIMINAL JUSTICE INFORMATION ACT**  
 Interception of private conversations  
 admissibility 9.73.090  
 judicial authorization 9.73.090  
 Truant officer, may act as 28A.27.040  
 Wiretap  
 admissibility 9.73.090  
 judicial authorization 9.73.090

**SHOPPING CARTS**

Thefts  
 definitions 9A.56.010

**SHORELINE MANAGEMENT ACT OF 1971**

Appeals from granting, denying or rescinding permits, procedure, board to act, when, local government appeals to board, grounds for declaring rules invalid, appeals to court, procedure 90.58.180  
 Court actions to insure against conflicting uses and to enforce 90.58.210  
 Definitions and concepts 90.58.030  
 Hood canal bridge interim services, exclusion 90.58.030  
 Review and adjustments to master programs 90.58.190

**SIDEWALKS**

Cities and towns  
 second class cities  
 franchises to use 35.23.440  
 providing for 35.23.440  
 third class cities  
 liability of abutting owners, limitation 35.24.290  
 regulation and management of 35.24.290  
 towns  
 control and management of 35.27.370  
 franchises to use and occupy 35.27.370  
 Second class cities  
 franchises to use 35.23.440  
 providing for 35.23.440  
 Third class cities  
 liability of abutting owners, limitation 35.24.290  
 Towns  
 control and management 35.27.370

**SIGNATURES**

Defined, for Washington Criminal Code 9A.04.110

**SIGNS**

Highways  
 interstate system, informational, contents 47.42.046  
 primary and scenic systems  
 informational panels, contents 47.42.047  
 tourist oriented directional signs 47.42.047  
 specific information panels, business signs, directional information 47.42.046

**SKATING**

Business and occupation tax, charge or fee as retail sale 82.04.050

**SKI LIFTS AND TOWS**

Business and occupation tax, charges and fees as retail sales 82.04.050

**SLUDGE**

Disposal regulated 70.95.255

**SMOKE DETECTION DEVICES**

Installation of 48.48.140

**SMOKING**

Minors, selling or giving tobacco to 26.28.080  
 Private workplaces  
 unless prohibited by state fire marshal, other law, regulation, or ordinance 70.160.060  
 Washington clean indoor air act  
 private workplaces  
 intent of act relating to 70.160.060

**SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**

Child abuse  
 case planning and consultation 26.44.030  
 central registry of reported cases to be kept by 26.44.070  
 report of  
 duties 26.44.030  
 Children  
 investigation of employees responsible for children  
 authority 43.20A.710  
 rules 41.06.475  
 Dependent adults, abuse of  
 central registry of reported cases to be kept by 26.44.070  
 report of  
 duties 26.44.030  
 Director  
 energy facility site evaluation council member 80.50.030  
 Division of health  
 venereal diseases  
 syphilis laboratory tests 70.24.090, 70.24.100  
 Division of institutions  
 commitment of juveniles  
 commitment of beyond age twenty-one years prohibited 13.40.300  
 jurisdiction after eighteenth birthday 13.40.300  
 Drug treatment centers  
 certification  
 annual renewal 69.54.030  
 application for 69.54.030  
 approval 69.54.030  
 denial, revocation or suspension 69.54.030  
 qualifications for 69.54.030  
 required 69.54.030  
 consent to counseling, care, treatment or rehabilitation, liability for expenses secretary, powers and duties as to 69.54.030  
 Employment partnership program  
 federal funds to be sought by the department of social and health services 50.63.090  
 pilot projects 50.63.030  
 Health care purchased by state agencies  
 alternative health care providers, agencies to identify 70.14.020  
 drug purchasing cost controls, drug formularies 70.14.050  
 health care information systems, agencies to establish 70.14.010  
 review of prospective rate setting methods 70.14.040  
 utilization review procedures, agencies to establish plan 70.14.030  
 Institutional care employees  
 reimbursement for costs resulting from assaults 72.01.045  
 Investigation of state employees responsible for children  
 authority 43.20A.710  
 rules 41.06.475

**SOC., HEALTH SERV., DEPT. OF—Cont.**

Juveniles  
 disposition standards and security guidelines, published in state register 34.08.020  
 Low-income energy assistance  
 termination of utility heating service  
 city-owned utility 35.21.300  
 limitation 54.16.285, 80.28.010  
 report to legislature 54.16.286, 80.28.011  
 Medical care  
 eligibility  
 knowingly and wilfully transferring resources  
 ineligibility  
 due process 74.09.536  
 penalties 74.09.538  
 Mental health services act, duties relating to 71.24.155  
 Mental illness  
 involuntary treatment  
 additional intensive treatment  
 cost 71.05.320  
 custody 71.05.320  
 judicial determination of need for additional treatment 71.05.320  
 Physicians and surgeons, limited licenses for out-of-state licensees engaged with, duration 18.71.095  
 Radioactive waste regulation  
 low-level disposal facility at Hanford  
 site use permits 70.98.085  
 surveillance fee 70.98.085  
 rules 43.200.070  
 Secretary  
 appointment of 43.17.020  
 drug treatment centers, powers and duties 69.54.030  
 mental health services act, duties relating to 71.24.035  
 mental illness  
 patients, confidentiality of records, disclosure 71.05.390  
 physician's trained mobile intravenous therapy technician, airway management technician, and mobile intensive care paramedic, duties as to 18.71.205  
 Senior citizens services  
 community based services  
 eligibility, determination of 74.38.030  
 Sexual offender treatment programs  
 legislative intent 9.94A.123  
 Termination of utility heating service  
 limitation 54.16.285, 80.28.010

**SOCIAL ORGANIZATIONS**

Nonprofit corporations, authorized 24.03.015

**SOLDIERS, SAILORS AND MARINES**

Memorial to state residents, missing-in-action or died, southeast Asia 40.14.205, 40.14.210  
 Missing-in-action or died in southeast Asia  
 memorial within the state capitol building 40.14.200-40.14.210  
 Soldiers and sailors relief act  
 adoption petition to address 26.33.040  
 Vietnam  
 memorial honoring those missing-in-action or those who died 40.14.200-40.14.210

**SOLICITATION**

Automatic dialing devices, telephone solicitation using, prohibited 80.36.400  
 Telephone solicitation  
 automatic dialing devices, prohibited 80.36.400  
 regulated 80.36.390

**SOLID WASTE MANAGEMENT**

Cities and towns  
contracts for solid waste handling 35.21.120  
Contracts between counties and private vendors 36.58.040, 36.58.090  
Minimum functional standards implementation 70.95.075  
Refuse collection business collection of tax 82.18.030  
definitions 82.18.010  
federal government exempt 82.18.050  
multiple taxation, exemption to avoid 82.18.060  
public works assistance account, deposit tax in 82.18.040  
tax imposed 82.18.020  
Service agreements between counties and private parties 36.58.040, 36.58.090  
Sludge  
disposal regulated 70.95.255

**SOLID WASTE PROCESSING**

Contracts with private vendors 35.92.024

**SOUTHWEST WASHINGTON JOINT CENTER FOR EDUCATION** (See WASHINGTON STATE UNIVERSITY, subtitle Southwest Washington joint center for education)

**STADIUM, CONVENTION CENTER, AND ARTS FACILITIES** (See also CONVENTION AND TRADE FACILITIES)

Capital improvement projects 67.28.180  
Taxation and revenue  
special excise tax  
authority, limitation 67.28.180  
special fund, limitation on use, investment 67.28.210

**STATE**

Actions against  
appeals to supreme court or court of appeals 4.92.030  
attorney general, duties  
counsel for state 4.92.030  
receipt of service 4.92.020  
elected officials, defense by state 4.92.060, 4.92.070  
judgments against  
satisfaction without execution, payment procedure 4.92.040  
jurisdiction 4.92.010  
officers, employees, volunteers, defense by state 4.92.060, 4.92.070  
pesticide use, action by damaged persons 17.21.220  
procedure 4.92.030  
service of summons and complaint 4.92.020  
tortious conduct  
contents of claims 4.92.100  
judgment, copy sent to risk management office 4.92.040  
jurisdiction 4.92.010  
minors filing claim, procedure 4.92.100  
nonresident filing claim, procedure 4.92.100  
payment of claims and judgments authorized 4.92.170  
procedure 4.92.160  
proper charge against agencies and department, reimbursement of tort claims revolving fund 4.92.170  
pesticide use, action by damaged person, health department exemption 17.21.220  
presentment and filing of claims 4.92.100  
venue 4.92.010

**STATE—Cont.**

Actions against—Cont.  
tortious conduct—Cont.  
verification of claims 4.92.100  
Bugging, by 9.73.090  
Buildings, facilities  
energy audits  
implementation plan 43.19.680  
Buildings  
life-cycle cost analysis Ch. 39.35  
Claims against  
payment procedure 4.92.040  
Corrections standards board  
state building code  
exception 19.27.060  
Data processing and data communications systems  
data processing authority  
executive director, staff, salary 43.105.045  
legislative exemptions 43.105.014  
legislative intent 43.105.016  
purpose  
legislative intent 43.105.016  
Debts  
housing finance commission 43.180.160  
Elections  
reimbursement of costs, interest to be paid by secretary of state 29.13.048  
Employment  
classes and number of positions for agencies fixed by director of office of financial management, exceptions 43.88.160  
employee training authorized 43.88.160  
pay and classification plans, review of by director of office of financial management, exceptions 43.88.160  
Fire service training center  
bond anticipation notes, 1979 act  
payment of principal and interest, procedure 28C.51.050  
construction bonds, 1979 act  
authorized 28C.51.010  
payment of principal and interest, procedure 28C.51.050  
construction bonds  
authorized 28C.50.010  
bond retirement fund, created 28C.50.050  
Health care programs and insurance for state employees and officials  
state employees insurance fund 41.05.040  
Intercepting private conversation 9.73.030, 9.73.090  
Limitation of actions  
application of statute of limitations to actions by 4.16.160  
Motor vehicle fund  
allocation of 46.68.100  
Officers and employees  
actions against, defense by state 4.92.060, 4.92.070  
elected officials  
actions against, defense by state 4.92.060, 4.92.070  
salaries  
department heads and others, maximum salaries fixed by state committee on agency officials' salaries 43.03.040  
elective state officers 43.03.010  
state committee on agency officials' salaries 43.03.028  
Purchases  
compliance by state officers, employees, etc., required 43.19.200  
emergency purchases by state officers, etc. 43.19.200  
estimates, required of state officers, etc. 43.19.200  
prison work programs  
purchase required, exceptions 43.19.534

**STATE—Cont.**

Storm water  
damage to property caused by neighboring uses  
assessments, rates, charges  
public entities responsible to pay 90.03.500  
Storm water control facilities  
agencies to pay assessments, rates, charges 90.03.500  
public property subject to rates and charges 35.67.025, 35.92.021  
rates and charges 90.03.510  
definitions 90.03.520  
public property subject to 36.89.085, 36.94.145  
state highway rights of way, with respect to 90.03.525  
Vehicles  
confidential license plates 46.08.066  
Volunteers  
attorney general to provide defense 4.92-.060, 4.92.070  
Warrants  
authentication and certification by agency head 43.88.160  
cancellation for nonpresentment 43.08.062  
forms for prescribed by director of office of financial management 43.88.160  
issuance of new warrant when old cancelled 43.08.062  
presentment, time limit 43.08.062  
responsibility for recovery of erroneous payment 43.88.160  
Wiretaps 9.73.030, 9.73.090

**STATE ACTUARY, OFFICE OF**

State actuary  
powers and duties 44.44.040

**STATE AUDITOR**

Attorney general, report of irregularities to 43.88.160  
Audits  
post-audit  
budget and accounting act, post-audit duties 43.88.160  
Budget and accounting act, disbursement of public funds, duties transferred to state treasurer 43.88.210  
Disbursement of public funds, duties transferred to state treasurer 43.88.210  
Expenditures of agencies, right to make exception to 43.88.160  
Legislature  
information furnished to 43.88.160  
reports to of post-audit and financial affairs 43.88.160  
Performance audits prohibited 43.88.160  
Post-audit  
duties 43.88.160  
Public meetings, notices of, contained in state register 34.08.020  
Salary, amount of 43.03.010  
Warrants  
issuance of  
new warrant when old canceled for nonpresentment 43.08.062  
presentment 43.08.062

**STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Annual report to governor 28B.50.070  
Fiscal year 28B.50.070  
Meetings 28B.50.070  
Organization of board 28B.50.070



## STATE BOARD OF EDUCATION

### STATE BOARD OF EDUCATION

Accreditation lists of colleges and universities whose graduates may receive teachers', school administrators', or school specialized personnel certificates 28A.04.120  
Appeals heard by 28A.04.120  
Child abuse information in common school curriculum 28A.04.120, 28A.05.010  
Courses and regulations for state institutions 28A.04.120  
Courses for common schools prepared by 28A.04.120  
Courses leading to teacher, school administrator, and school specialized personnel certification for college and university education departments approved by 28A.04.120  
Entrance requirements relative to teacher, school administrator, or school specialized personnel certification for colleges and universities investigated by 28A.04.120  
Examinations, questions prepared by board 28A.04.120  
High schools  
  establishment of secondary programs for grades nine through twelve in nonhigh districts, approval 28A.04.120  
  examination and accreditation 28A.04.120  
  inspection, board represented by superintendent of public instruction 28A.04.120  
Outline of study for common schools prepared by 28A.04.120  
Powers and duties 28A.04.120  
  admission qualifications, rule making authority 28A.58.190  
  preschools and nursery schools, rules and regulations for 28A.34.020  
Preschools and nursery schools, board to make rules and regulations relating to 28A.34.020  
Reevaluation of courses 28A.04.120  
Rules and regulations  
  admission qualifications 28A.58.190  
  for emptying school buildings in emergency 28A.04.120  
  for government of common schools prepared by 28A.04.120  
School districts, organization, reorganization 28A.04.120  
Schools  
  courses, studies and instruction prescribed by 28A.04.120  
State colleges of education, state board to approve program of courses for teacher, school administrator, or school specialized personnel certification 28A.04.120  
Teachers', school administrators', or school specialized personnel certificates and diplomas, issuance supervised by 28A.04.120

### STATE BOARD OF MEDICAL EXAMINERS (See MEDICAL EXAMINERS, BOARD OF)

### STATE BUILDING CODE ACT

Corrections standards board exceptions 19.27.060  
Fruits and vegetables excluded from meaning of combustible stock 19.27.060  
Local building regulations, amendment process 19.27.060  
Portable oil-fueled heater standards for sale and use  
  jurisdiction of director of community development through director of fire protection 19.27A.110

### STATE COMMITTEE ON AGENCY OFFICIALS' SALARIES

Created 43.03.028

**STATE COMMITTEE,—SALARIES—Cont.**  
Duties 43.03.028  
Recommendations 43.03.028

### STATE DEPARTMENTS AND AGENCIES

Boards and commissions  
  compensation  
  review and report to legislature 43.03.260  
Capital projects  
  general obligation bonds authorized 43.99G.020  
Directors of  
  appointment of 43.17.020  
Fire suppression costs on state land, reimbursement of fire protection districts, contract authority 52.12.125  
Health care cost containment policies 43.41.160  
Purchase of materials and supplies  
  printing, microfilm and duplicating equipment 43.19.650  
Purchases  
  prison work programs  
  purchase required, exceptions 43.19.534

### STATE EMPLOYEES INSURANCE BOARD

Health care purchased by state agencies  
  alternative health care providers, agencies to identify 70.14.020  
  drug purchasing cost controls, drug formularies 70.14.050  
  health care information systems, agencies to establish 70.14.010  
  review of prospective rate setting methods 70.14.040  
  utilization review procedures, agencies to establish plan 70.14.030

### STATE ENERGY OFFICE

Director  
  energy facility site evaluation council member 80.50.030  
Energy audits, state facilities  
  implementation plan 43.19.680

### STATE FINANCE COMMITTEE

Fire service training center  
  bond anticipation notes, 1979 act  
  payment of principal and interest, procedure 28C.51.050  
  construction bonds, 1979 act  
  authorized 28C.51.010  
  payment of principal and interest, procedure 28C.51.050  
  construction bonds  
  authorized 28C.50.010  
  bond retirement fund, created 28C.50.050  
Local government surplus public funds, investment  
  administration of chapter 43.250.090

### STATE FISCAL MATTERS

Budget and accounting system  
  accounting system  
  comprehensive central accounts in office of financial management 43.88.160  
  duty of director of financial management to devise and supervise 43.88.160  
  reports of agencies 43.88.160  
  administrative expenses, defined 43.88.020  
  agency, defined 43.88.020  
  annual growth rate in real personal income defined 43.88.020  
  biennial budget requests  
  instructions to be provided to agencies 43.88.030  
  budget  
  defined 43.88.020

## STATE FISCAL MATTERS

**STATE FISCAL MATTERS—Cont.**  
Budget and accounting system—Cont.

  budget document  
  changes to 43.88.030  
  contents 43.88.030  
  defined 43.88.020  
  estimated revenues, adjustments 43.88.030  
  dedicated fund, defined 43.88.020  
  definitions 43.88.020  
  director of financial management  
  accounting system, duty to devise and supervise 43.88.160  
  classes and number of positions for agencies fixed by 43.88.160  
  corrective measures by agencies, duties to enforce 43.88.160  
  defined 43.88.020  
  efficiency surveys and analyses of agencies 43.88.160  
  employee training authorized 43.88.160  
  expenditure program, duties concerning 43.88.110  
  pay and classification plans, review of 43.88.160  
  power to exempt public funds from allotment control 43.88.110  
  regulations, duty to promulgate 43.88.160  
  reports of agencies, authority to require 43.88.160  
  reports to governor, duplication of effort or lack of coordination 43.88.160  
  warrants or checks, form prescribed by 43.88.160  
  efficiency surveys and analyses of agencies 43.88.160  
  employee training authorized 43.88.160  
  ensuing biennium, defined 43.88.020  
  estimated revenues  
  defined 43.88.020  
  expenditure programs  
  accounting records of agencies 43.88.110  
  aggregate of allotments not to exceed appropriation 43.88.110  
  allotments to conform to terms of appropriation 43.88.110  
  director of financial management, duties concerning 43.88.110  
  division of allotments 43.88.110  
  reserve status, withholding, assigning, or removing agency appropriations to or from 43.88.110  
  review of allotment requests 43.88.110  
  statements of proposed expenditures 43.88.110  
  expenditures  
  employee training 43.88.160  
  fiscal period, defined 43.88.020  
  fiscal year  
  defined 43.88.020  
  general state revenues, defined 43.88.020  
  governor  
  allotment reduction 43.88.110  
  itemization of expenditures required by federal court order 43.88.065  
  lapse, defined 43.88.020  
  legislative budget committee  
  examination of books and accounts of agencies 43.88.160  
  legislative fiscal committees defined 43.88.020  
  legislature  
  information furnished to 43.88.160  
  report to 43.88.160  
  office of financial management  
  classes and number of positions for agencies fixed by, exceptions 43.88.160  
  pay and classification plans, review of by director of financial management 43.88.160

**STATE FISCAL MATTERS—Cont.**

Budget and accounting system—Cont.  
 primary budget driver, defined 43.88.020  
 public funds, defined 43.88.020  
 purpose 43.88.010  
 reports of agencies, authority of director of financial management to require 43.88.160  
 reports to governor, duplication of effort or lack of coordination, report by director of financial management 43.88.160  
 retirement cost-of-living adjustments to be in omnibus act 43.88.085  
 revolving funds  
 defined 43.88.020  
 stabilization account, defined 43.88.020  
 state auditor  
 attorney general, report of irregularities to 43.88.160  
 disbursement of public funds duties transferred to state treasurer 43.88.210  
 expenditures of agencies, exception may be made to 43.88.160  
 legislature  
 information furnished to 43.88.160  
 report to of post-audits and financial affairs 43.88.160  
 post-audit duties 43.88.160  
 state tax revenue limit, defined 43.88.020  
 transfer of powers and duties of agencies 43.88.210  
 treasurer  
 public funds  
 accounting for 43.88.160  
 classification by fund or account 43.88.160  
 disbursement by warrant or check 43.88.160  
 receipt and keeping of 43.88.160  
 warrants or checks, unlawful to issue except upon forms prescribed by director of financial management 43.88.160  
 trust funds, defined 43.88.020  
 warrants or checks  
 authentication and certification by agency head 43.88.160  
 responsibility for recovery of erroneous payments 43.88.160  
 1986 amendments, LEAP to review success periodically 43.88.899  
 Legislative bills and resolutions  
 fiscal notes 43.88A.030  
 impact on counties and cities Ch. 43.132  
 Performance audits prohibited 43.88.160  
 Reports  
 agencies' reports, director of financial management may require 43.88.160  
 governor, reports of duplication of effort or lack of coordination to 43.88.160  
 state auditor, report of irregularities to attorney general 43.88.160  
 Warrants  
 authentication and certification by agency head 43.88.160  
 forms for prescribed by director of financial management 43.88.160  
 issuance of  
 new warrant when old canceled for non-presentment 43.08.062  
 presentment  
 cancellation for nonpresentment 43.08.062  
 issuance of new warrant when old canceled 43.08.062  
 time limit 43.08.062  
 responsibility for recovery of erroneous payments 43.88.160

**STATE INVESTMENT BOARD**

Volunteer firemen's relief and pension fund, investments by, duties 41.24.030

**STATE LOTTERY**

Debts owed to state, prize set off against debts 67.70.255  
 Director  
 duties 67.70.050  
 office created 67.70.050  
 salary 67.70.050  
 Liquor board duties 66.08.050  
 Officers and employees  
 prohibited activities 67.70.055  
 Prize disbursement, debts owed state set-off 67.70.255  
 Prohibited activities, officers and employees 67.70.055

**STATE MEDAL OF MERIT (See MEDAL OF MERIT)****STATE PATROL**

Amateur radio operator with special license plates, list of furnished to 46.16.340  
 Application for motor vehicle dealer's license, member of to certify 46.70.041  
 Automatic fingerprint information system  
 account established 43.43.565  
 report 43.43.560  
 Cadets  
 retirement service credit 43.43.130  
 Chief  
 identification and criminal history section, powers and duties 43.43.710, 43.43.760  
 Criminal justice information act, See CRIMINAL JUSTICE INFORMATION ACT  
 Fingerprints  
 automatic fingerprint information system  
 account established 43.43.565  
 report 43.43.560  
 Hazardous materials incidents  
 incident command agencies  
 duties relating to 70.136.030  
 Identification and criminal history section  
 availability of information 43.43.710  
 criminal justice agencies  
 information, availability of 43.43.710  
 dependency record information involving sexual offenses 43.43.710  
 Inspection of buses, private, common, and contract carriers  
 administration of program 46.32.010  
 establish inspection stations, authority, eminent domain 46.32.010  
 operating vehicle found defective in equipment 46.32.010  
 violations, relating to 46.32.010  
 withholding or securing certificate of license registration and plates of defective vehicles 46.32.010  
 Interception of private conversations  
 admissibility 9.73.090  
 judicial authorization 9.73.090  
 Motor vehicle  
 dealer's record of transactions available for inspection by members of 46.70.120  
 Organized crime intelligence unit  
 attorney general, request to investigate and prosecute crimes, costs 43.10.232  
 Prohibited practices relating to motor vehicle inspection by members of 46.32.050  
 Retirement system  
 cadets, service credit 43.43.130  
 reestablishment of former service credit by PERS members 43.43.137  
 retirement fund  
 created 43.43.130  
 membership 43.43.130

**STATE PATROL—Cont.**

Salary and fringe benefit survey 41.06.167  
 Uniform controlled substances act  
 property or money, receipt of from U.S. attorney general, agencies authorized 43.17.150  
 Wiretap  
 admissibility 9.73.090  
 judicial authorization 9.73.090

**STATE PERSONNEL BOARD**

Children  
 investigation of employees responsible for children  
 rules 41.06.475

**STATE TOXICOLOGICAL LABORATORY**

Death investigations account  
 created 43.79.445  
 Death investigations council 68.08.107  
 Establishment 68.08.107  
 Funding 68.08.107  
 State toxicologist  
 analysis of blood, breath, etc.  
 approval of  
 examination of individual's qualifications to administer test 46.61.506  
 techniques or methods of administering tests 46.61.506  
 appointment 68.08.107

**STATE TREASURER**

Certified public accountant account 18.04.105  
 Courts of appeals, judges, affidavit filing with state treasurer as prerequisite to issuing salary warrants 2.06.062  
 Fire insurance premium funds, distribution of, duties 41.16.050  
 Flood control assistance account, duties relating to 86.26.007  
 Interest  
 highest rate permissible  
 computed monthly for succeeding calendar month 19.52.025, 34.08.020  
 Motor vehicles  
 dealer's licenses, powers and duties relating to 46.70.061  
 Public funds  
 accounting for 43.88.160  
 classification by fund or account 43.88.160  
 disbursement by warrant or check 43.88.160  
 receipt and keeping of 43.88.160  
 Public meetings, notices of, contained in state register 34.08.020  
 Salary, amount of 43.03.010  
 Warrants or checks, unlawful to issue except upon forms prescribed by director of office of financial management 43.88.160  
 Worker and community right to know fund  
 assessments 49.70.170  
 disbursements 49.70.175  
 penalties 49.70.177

**STATE UNIVERSITIES**

Tuition and fees  
 waiver  
 limitation on total tuition and fee waivers 28B.15.740

**STATUTE**

Defined, for Washington Criminal Code 9A.04.110

**STATUTE OF FRAUDS**

Investment securities, application to 62A.8-319

**STEPCHILDREN**

Defined for industrial insurance 51.08.030

**STEVENS COUNTY**

Superior court judges, number of 2.08.065

**STOCK TRANSFER**

Certificates for shares, how transferred, lost or destroyed certificate 62A.8-405

Definitions 62A.1-201

Destroyed certificate 62A.8-405

Good faith, defined 62A.1-201

Injunctions

prevention of further transfer of certificates 62A.8-315

Lost certificate 62A.8-405

Possession of certificate, reclaiming of, grounds 62A.8-315

Rescission of transfer, grounds 62A.8-315

Value, defined 62A.1-201

Warranty

not implied from accepting payment of a debt 62A.8-306

on sale of certificate 62A.8-306

**STOREHOUSES**

Intoxicating liquor, liquor control board's powers 66.08.050

**STRAW**

Transporting of

vehicles may be stopped 20.01.610

**STREETS AND ALLEYS**

Cities and towns

first class cities

altering grade 35.22.280

lighting of 35.22.280

second class cities

cleaning 35.23.440

franchise to use 35.23.440

providing for 35.23.440

third class cities

liability of abutting owners, limitation 35.24.290

regulation and management of 35.24.290

towns

control and management of 35.27.370

franchises to use and occupy 35.27.370

Improvements or construction is prerequisite to development

alternative financing method 35.72.050

**STRIP SEARCHES** (See **SEARCHES**, subtitle Strip, body cavity searches)

**SUBPOENAS**

Legal holidays, issuance of 2.28.100

**SUMMONS**

Service of

actions against state 4.92.020

**SUNSET ACT**

Asian-American affairs, commission on

repeal 43.131.216

termination 43.131.215

Council for the prevention of child abuse and

neglect

repeal 43.131.320

termination 43.131.319

Emergency medical services committee

repeal 43.131.304

termination 43.131.303

Nursing home advisory council

repeal 43.131.302

termination 43.131.301

**SUNSET ACT—Cont.**

Psychology examining board

termination 43.131.323

Public disclosure commission

repeal 43.131.270

termination 43.131.269

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

Basic education allocation

annual apportionments by 28A.41.130

Child abuse information in common school

curriculum 28A.04.120, 28A.05.010

Clearinghouse for educational information

duties 28A.03.510

Educational information, clearinghouse for

duties 28A.03.510

Examinations, questions prepared in assisting

state board of education 28A.04.120

Excellence in education

award program

Christa McAuliffe award for teachers

28A.03.526

established 28A.03.523

grant in lieu of waiver of tuition and fees

28A.03.535

powers and duties 28A.03.532

school district superintendent and school

board director 28A.03.538

school district superintendent and school

district directors recipient of

28A.03.529

High school

inspections 28A.04.120

Natural resources board member 43.30.040

Powers and duties

preschools and nursery schools, duties relating to Ch. 28A.34

Preschools and nursery schools, duties relating

to Ch. 28A.34

Public meetings, notices of, contained in state

register 34.08.020

Salary, amount of 43.03.010

Teacher evaluation

minimum procedural standards and model evaluation programs 28A.67.225

**SUPERIOR COURTS**

Clerks

state, judgments against, duties 4.92.040

Corporations

liquidation, nonprofit corporations 24.03.265

Fisheries violations fines, disposition of, duties

75.08.230

Indeterminate sentence review board

transfer of power to superior courts

9.95.0011

Judges

allocation of 2.08.065

mandatory arbitration program, certain positions contingent on 2.08.067

salaries 2.08.092

Jurisdiction

actions against state 4.92.010

Thurston county

actions against state brought in 4.92.010

Legal holidays

judicial business prohibited, exceptions

2.28.100

Mental illness

additional intensive treatment, petition for

71.05.290

involuntary detention for treatment and

evaluation

judicial determination of need for additional

treatment

custody duration 71.05.320

custody options 71.05.320

order of commitment 71.05.320

**SUPERIOR COURTS—Cont.**

Thurston county superior court

actions against state brought in 4.92.010

**SUPERMARKETS**

Shopping cart theft

definitions 9A.56.010

**SUPPORT**

Children

decree contents 26.09.135, 26.09.135, 26.21-125, 26.26.132

mandatory wage assignment 26.09.135, 26-21.125, 26.26.132

support obligations enforcement

mandatory wage assignment 26.21.125, 26.26.132

**SUPREME COURT**

Chief justice

medal of merit committee, membership on 1.40.020

Justices

salaries and wages 2.04.092

Legal holidays

court closed 2.28.100

judicial business prohibited 2.28.100

Purchase of materials and supplies

compliance with division of purchasing regulations required 43.19.200

Traffic infractions

monetary penalties 46.63.110

**SURETIES**

Bail bonds

forfeiture, judgment against principal and

sureties 10.19.090

liability 10.19.150

return of bond 10.19.140

surrender of person under bond 10.19.160

Farm labor contractor's bond or other security 19.30.040

claim for wages, action upon 19.30.045

Industrial insurance

delinquent employer's bond 51.16.150

employer's default bond 51.16.150

**SURPLUS PROFITS**

Banks

formation requirement 30.08.010

paying of dividends, required for 30.04.180

**SURPLUS PUBLIC FUNDS**

Investment of local government funds

administration of chapter by state finance

committee 43.250.090

annual summary 43.250.080

definitions 43.250.020

employment of personnel by state treasurer

43.250.050

public funds investment account 43.250.030, 43.250.040

purpose 43.250.010

rules 43.250.060

separate accounts for political subdivisions

43.250.070

**SURVEYS AND SURVEYORS**

Causes of action arising from services 4.16.300

limitation on 4.16.310

**SUSPENSION**

Electricity

board of electrical examiners, revocation or suspension of license appeals to

19.28.310

## SUSPENSION

### SUSPENSION—Cont.

#### Electricity—Cont.

- licenses for contractors, revocation or suspension
- appeals 19.28.310
- grounds 19.28.310

#### Vehicles

- dealer's licenses
- deficiency in surety bond as grounds for revocation 46.70.070

### SWIMMING POOLS

#### Water recreation facilities

- civil penalties 70.90.200
- definitions 70.90.110
- enforcement 70.90.140
- fees 70.90.150
- hearing, notice 70.90.210
- insurance required 70.90.230
- legislative findings 70.90.100
- local health ordinances not affected 70.90.220
- modification or reconstruction of facility, procedure 70.90.160
- operating permit 70.90.170
- recreational water contact facility advisory committee 70.90.130, 70.90.902
- reporting of injury, disease, or death 70.90.190
- rules 70.90.120
- state and local health jurisdictions, liability 70.90.180

### SWINE

- Theft of 9A.56.080

### TALL SHIPS

- Special excise tax for development 67.28.210

### TAXATION

#### Admissions tax

- schools, exception from
- state exclusion from excise tax impositions on admissions removed 82.04.050

#### Beer

- gallage tax
- additional tax rates 82.02.030

#### Business and occupation tax

- construction on federal property 82.04.050

#### Cigarette excise tax

- additional, deposited in water quality account 82.24.027
- additional tax rates 82.02.030
- unstamped cigarettes
- tax liability exceptions 82.24.260

#### Cigarette wholesalers and retailers

- enforcement 82.24.550
- fees and penalties to general fund 82.24.560
- license

- application and issuance 82.24.510
- required 82.24.500
- retailers 82.24.530
- scope 82.24.540
- wholesalers 82.24.520

#### Cities and towns

- certificates of delinquency, summons when county forecloses 84.64.050
- first class cities, general power, property taxes 35.22.280
- insurance agents, state preemption 48.14.020
- insurance companies, state preemption 48.14.020
- network telephone services 35A.82.065
- property taxes
- certificates of delinquency, summons when county forecloses 84.64.050

### TAXATION—Cont.

#### Cities and towns—Cont.

##### property taxes—Cont.

- first class cities, general taxing power 35.22.280

##### second class cities

- general assessment and levying power 35.23.440

##### telephone business

- deferral of rate reduction 35.21.871, 35A.82.070

- network telephone service 35.21.714, 35.21.715

- toll telephone service 35.21.714

##### telephone toll service

- limitations 35A.82.060

##### toll telephone services

- gross revenue 35A.82.060
- towns, property tax 35.27.370

#### Conveyance tax

- additional tax rates 82.02.030

#### Counties

- insurance agents, state preemption 48.14.020

- insurance companies, state preemption 48.14.020

- legislative authorities, powers in regard to 36.32.120

- prepayment of taxes, authorized 36.32.120

##### property taxes

- certificates of delinquency
- foreclosure by county 84.64.050
- when entitled to 84.64.050

##### legislative authorities

- powers 36.32.120

- road district taxes, payment to city street fund, when 35.02.140

- road district taxes, payment to city street fund, when 35.02.140

#### Deferrals

##### investment projects in distressed areas

- definitions 82.60.020
- tax deferral certificate 82.60.040

- taxes forgiven 82.60.065

- manufacturing, research, and development projects
- definitions 82.61.010

#### Development rights

- timber and forest lands 84.33.120, 84.33.140

#### Engages in business activities within this state

- 82.12.040

#### Estate and transfer tax

- automatic release issued to personal representative, when 83.100.080

##### tax reports

- filing due date 83.100.050
- filing extension 83.100.050

#### Estate tax, uniform estate tax apportionment act

- action by nonresident, reciprocity 83.110.080

- allowance for exemptions, deductions, and credits 83.110.050

- apportionment 83.110.020

- procedure 83.110.030

- apportionment between temporary and remainder interests prohibited 83.110.060

- collection 83.110.040

- coordination with federal law 83.110.090

- definitions 83.110.010

- recovery of tax, exoneration of fiduciary 83.110.070

#### Excise taxes

##### agent

- collect use tax, seller as 82.12.040

##### agriculture

- chemical sprays, sale at retail, exclusion 82.04.050

### TAXATION—Cont.

#### Excise taxes—Cont.

- armored car, services retail sale, business and occupation tax 82.04.050

- broadcasting stations 82.04.280

##### business activities

- broadcasting stations 82.04.280

- extracting for hire, business and occupation tax 82.04.280

- mass public transportation terminal or facility or vehicle activities 82.04.280

- parking facility 82.04.280

- printing and publishing 82.04.280

- processing for hire 82.04.280

- public road construction 82.04.280

- warehousing, cold storage 82.04.280

##### business and occupation tax

- abstract business as retail sale 82.04.050
- amusement and recreation businesses, service as retail sale 82.04.050

- automobile parking and storage garage services as retail sale 82.04.050

##### business activities

- extracting for hire 82.04.280

- fire or casualty insurance companies, independent resident managing general agent 82.04.280

- mass public transportation terminal, facility, or vehicles construction and sales 82.04.280

- printing and publishing 82.04.280

- processing for hire 82.04.280

- public road construction 82.04.280

- sale at retail and retail sale, defined 82.04.050

- warehousing, cold storage 82.04.280

- chemical used in processing 82.04.050

- coin operated laundries, part of hotel, motel, etc., not sale at retail 82.04.050

- consumer, defined 82.04.190

- contractors

- mass public transportation terminal or facility 82.04.280

- public road construction 82.04.280

- credit bureau business as retail sale 82.04.050

##### deductions

- health or welfare services 82.04.431

##### definitions

- consumer 82.04.190

- retail sale 82.04.050

##### sale

- at retail 82.04.050

- easements, holder thereof deemed consumer 82.04.190

- escrow business as retail sale 82.04.050

- excavation of earth a retail sale 82.04.050

##### exemptions

- community action council 82.04.431

- health or welfare services 82.04.431

- low-income assistance 82.04.431

- weatherization assistance 82.04.431

##### extractor

- tax on 82.04.280

- extractors and processors for hire 82.04.280

- farmers, sales to 82.04.050

- feeds, sales to farmers 82.04.050

- fertilizer, sales to farmers 82.04.050

- fire or casualty insurance companies, independent resident managing general agent 82.04.280

- fumigating, services retail sale 82.04.050

- golf charges and services as retail sale 82.04.050

- hotels, charge for lodging as retail sale 82.04.050

- installing personal property for consumer 82.04.050

**TAXATION**

**TAXATION—Cont.**

Excise taxes—Cont.  
 business and occupation tax—Cont.  
   janitorial service, excluded as retail sale 82.04.050  
   land, clearing of 82.04.050  
   leasing of personal property as retail sale 82.04.050  
   license to use real estate, as retail sale 82.04.050  
   lockers, cold storage, exemption 82.04.280  
   magazines, printing and publishing 82.04.280  
   mass transportation vehicles 82.04.280 exemption 82.04.050  
   motel, charge for lodging as retail sale 82.04.050  
   moving of earth 82.04.050  
   newspapers, printing and publishing 82.04.280  
   periodicals, magazines, printing and publishing 82.04.280  
   personal property, installing or repairing 82.04.050  
   pool, charge or fee as retail sale 82.04.050  
   processing for hire, tax on 82.04.280  
   public mass transportation terminal or parking facility 82.04.280  
   public road construction tax on 82.04.280  
   publishing, printing, tax on 82.04.280  
   rates of tax  
     additional tax 82.02.030  
     broadcasting stations 82.04.280  
     consumer, as defined in RCW 82.04.190 82.04.280  
     extractors 82.04.280  
     printing and publishing 82.04.280  
     processing for hire 82.04.280  
     public road construction 82.04.280  
     publishing and printing 82.04.280  
   rental of real property, as retail sale 82.04.050  
   renting or leasing of tangible personal property as retail sale 82.04.050  
   repairing  
     personal property of or for consumers 82.04.050  
     publicly owned roads 82.04.050  
     real property of or for consumers 82.04.050  
   retail sale, defined 82.04.050  
   road construction, public, tax on 82.04.280  
   rooming house, charge for lodging as retail sale 82.04.050  
   sales  
     at retail, defined 82.04.050  
     mass public transportation terminal, facilities, construction cost, excluded 82.04.050  
     retail sale, defined 82.04.050  
     seed, sale to farmers 82.04.050  
   services  
     taxable as sales, when 82.04.050  
   services and other miscellaneous activities 82.04.050  
   skating charge or fee as retail sale 82.04.050  
   ski lifts and tows, charge or fee as retail sale 82.04.050  
   spray materials, sales to farmers 82.04.050  
   storage garage business as retail sale 82.04.050  
   telephone service, competitive, providing of 82.04.050

**TAXATION—Cont.**

Excise taxes—Cont.  
 business and occupation tax—Cont.  
   title insurance charges as retail sale 82.04.050  
   tourist court, charge for lodging as retail sale 82.04.050  
   towing, automobile 82.04.050  
   trailer camp, charge for service as retail sale 82.04.050  
   transient rentals, as retail sale 82.04.050  
   warehousing, cold storage 82.04.280  
 buyer  
   retail sales tax, duty to pay 82.08.050  
 chemical used in processing, business and occupation tax 82.04.050  
 cigarette excise tax  
   additional  
     deposited in water quality account 82.24.027  
   unstamped cigarettes  
     tax liability exceptions 82.24.260  
 club, taxable person, defined as cold storage warehouse 82.04.280  
 collections  
   retail sales tax  
     seller liable 82.08.050  
     seller to collect from buyer 82.08.050  
     trust fund 82.08.050  
   use tax  
     seller to collect from buyer 82.12.040  
     trust fund 82.12.040  
 construction on federal property 82.04.050  
 consumer, defined  
   business and occupation tax 82.04.190  
 contractors  
   public road construction 82.04.280  
 crimes  
   absorbing use tax 82.12.040  
   conversion of  
     retail sales tax 82.08.050  
     use tax 82.12.040  
   refusal of  
     buyer to pay retail sales tax 82.08.050  
     seller to collect retail sales tax 82.08.050  
 debt  
   retail sales tax, buyer to seller 82.08.050  
 deductions  
   business and occupation tax  
   health or welfare services 82.04.431  
 definitions  
   consumer  
     business and occupation tax 82.04.190  
   public utility tax 82.16.010  
   retail sale 82.04.050  
   sale  
     at retail 82.04.050  
   easement, holder thereof consumer 82.04.190  
   excavation of earth, business and occupation tax 82.04.050  
 exemptions  
   business and occupation tax  
   health or welfare services 82.04.431  
   retail sales tax 82.08.0283, 82.08.0293  
   food products 82.08.0293  
   insulin 82.08.0283  
   mobile homes, used 82.08.033  
   orthotic devices 82.08.0283  
   ostomic items 82.08.0283  
   oxygen 82.08.0283  
   prosthetic devices 82.08.0283  
   senior citizen meals 82.08.0293  
   use tax 82.12.0277, 82.12.0293  
   food products 82.12.0293  
   insulin 82.12.0277  
   mobile homes, used 82.12.033  
   ostomic items 82.12.0277  
   oxygen 82.12.0277

**TAXATION—Cont.**

Excise taxes—Cont.  
 exemptions—Cont.  
   use tax—Cont.  
     prosthetic and orthotic devices 82.12.0277  
     senior citizen meals 82.12.0293  
 express business  
   defined 82.16.010  
   rate of tax 82.16.020  
 extractor  
   tax on 82.04.280  
 farmers, sales to, business and occupation tax 82.04.050  
 feeds, sales to farmers 82.04.050  
 fertilizer, sales to farmers 82.04.050  
 fumigating, service as retail sale 82.04.050  
 gas distribution, rate of tax 82.16.020  
 gas distribution business, defined 82.16.010  
 gross income  
   utility tax, defined 82.16.010  
 health or welfare services, nonprofit corporations, deductions 82.04.431  
 hotels, charge for lodging as retail sale 82.04.050  
 installing personal property for consumer, business and occupation tax 82.04.050  
 interurban transportation, defined 82.16.010  
 janitorial service, excluded as retail sale 82.04.050  
 land, clearing of, business and occupation tax 82.04.050  
 leasehold  
   additional tax rates 82.02.030  
   credits in determining tax payable 82.29A.120  
   definitions 82.29A.020  
   improvements not defined as contract rent taxable under property tax law 82.29A.160  
   license to use real property, as retail sale 82.04.050  
   light and power business  
     defined, utility tax 82.16.010  
     rate of tax, utility tax 82.16.020  
   lockers, cold storage, business and occupation tax exemption 82.04.280  
   magazines, printing and publishing, business and occupation tax 82.04.280  
   mass public transportation terminal, vehicles 82.04.280  
   motel, charge for lodging as retail sale 82.04.050  
   motor transportation business  
     defined 82.16.010  
     rate of tax 82.16.020  
   motor vehicle excise tax  
     additional tax rates 82.02.030  
   motor vehicle fuel tax  
     distribution and allocation of proceeds cities and towns 46.68.100  
     counties 46.68.100  
     pledge to continue levy of tax and deposit receipts from in Puget Sound capital construction account 47.60.430  
   motor vehicle special fuel tax  
     collection of tax 82.38.090  
   licenses  
     required 82.38.090  
   moving of earth, business and occupation tax 82.04.050  
   newspapers  
     printing and publishing 82.04.280  
   parking facility 82.04.280  
   payment  
     retail sales tax  
       buyer to seller 82.08.050

## TAXATION—Cont.

Excise taxes—Cont.  
penalties  
criminal  
absorbing  
use tax 82.12.040  
conversion of  
retail sales tax 82.08.050  
use tax 82.12.040  
refusal of  
buyer to pay retail sales tax  
82.08.050  
seller to collect retail sales tax  
82.08.050  
periodicals, magazines, printing and publishing, business and occupation tax  
82.04.280  
personal property, installing or repairing  
82.04.050  
plant facility, operating as common carrier,  
public utility tax 82.16.020  
power and light business  
defined 82.16.010  
rate of utility tax 82.16.020  
printing and publishing, business and occupation tax upon 82.04.280  
process for hire, business and occupation  
upon 82.04.280  
public road construction  
tax upon 82.04.280  
public service business  
defined 82.16.010  
rate of utility tax 82.16.020  
public utility tax  
definitions 82.16.010  
express business  
defined 82.16.010  
rate of tax 82.16.020  
gas distribution business  
defined 82.16.010  
rate of tax 82.16.020  
additional tax rates 82.02.030  
gross income, defined 82.16.010  
highway transportation business  
defined 82.16.010  
rate of tax 82.16.020  
imposition of 82.16.020  
interurban transportation, defined  
82.16.010  
light and power business  
defined 82.16.010  
rate of tax 82.16.020  
motor transportation business, defined  
82.16.010  
plant facility, operating as a common carrier  
82.16.020  
power and light business  
defined 82.16.010  
rate of tax 82.16.020  
public service business  
defined 82.16.010  
rate of tax 82.16.020  
railroad business  
defined 82.16.010  
plant facility 82.16.020  
rate of tax 82.16.020  
railroad car business, rate of tax  
82.16.020  
rate of tax, surtax 82.16.020  
sewerage collection  
rate of tax 82.16.020  
telegraph business  
defined 82.16.010  
rate of tax 82.16.020  
tugboat business  
defined 82.16.010  
rate of tax 82.16.020  
urban transportation business  
defined 82.16.010  
rate of tax 82.16.020

## TAXATION—Cont.

Excise taxes—Cont.  
public utility tax—Cont.  
vessels under sixty-five feet, rate of tax  
82.16.020  
water distribution business  
defined 82.16.010  
rate of tax 82.16.020  
publishing, printing, business and occupation tax upon 82.04.280  
purchaser  
liability for retail sales tax 82.08.050  
railroad business  
defined 82.16.010  
plant facility 82.16.020  
rate of utility tax 82.16.020  
railroad car business  
defined 82.16.010  
rate of utility tax 82.16.020  
rates of tax  
business and occupation tax  
broadcasting stations 82.04.280  
cold storage warehouses 82.04.280  
consumer, as defined in RCW 82.04-190 82.04.280  
extractors 82.04.280  
fire or casualty insurance companies,  
independent resident managing general agent 82.04.280  
highway contractors 82.04.280  
printers and publishers 82.04.280  
processors 82.04.280  
public utility tax 82.16.020  
real estate sales excise tax  
additional tax rates 82.02.030  
rental of real property as retail sale  
82.04.050  
repairing personal property of or for consumers 82.04.050  
repairing publicly owned roads 82.04.280  
repairing real property of or for consumers  
82.04.050  
retail sales tax  
advertised price, conditions on including  
tax 82.08.050  
construction on federal property  
82.04.050  
state  
buyer  
duty to pay 82.08.050  
coin operated devices to deliver merchandise, selling price based on percentage of gross receipts 82.08.080  
collectible from the buyer by seller  
82.08.050  
collection  
as a separate item, impractical  
82.08.080  
from buyer by department of revenue 82.08.050  
seller liable 82.08.050  
seller to collect from buyer 82.08.050  
trust fund 82.08.050  
consumer, defined 82.04.190  
debt  
by seller to state 82.08.050  
retail sales tax, buyer to seller  
82.08.050  
definitions 82.04.050  
consumer 82.04.190  
retail sale 82.04.050  
sale  
at retail 82.04.050  
exemptions  
food products 82.08.0283  
insulin 82.08.0283  
milk cows, sale of 82.08.0259  
mobile homes, used 82.08.033  
orthotic devices 82.08.0283  
ostomic items 82.08.0283

## TAXATION—Cont.

Excise taxes—Cont.  
retail sales tax—Cont.  
state—Cont.  
exemptions—Cont.  
oxygen 82.08.0283  
prosthetic devices 82.08.0283  
senior citizen meals 82.08.0293  
failure to pay, misdemeanor 82.08.050  
liability of seller 82.08.050  
mass public transportation terminal,  
construction of facilities, exemption  
82.04.050  
milk cows, sale of 82.08.0259  
mobile homes, used 82.08.033  
payment  
buyer to seller 82.08.050  
penalties  
criminal  
conversion of retail sales tax  
82.08.050  
refusal of buyer to pay retail sales  
tax 82.08.050  
refusal of seller  
to collect retail sales tax 82.08.050  
purchaser, liability for retail sales tax  
82.08.050  
retail sale, defined 82.04.050  
sales  
at retail, defined 82.04.050  
coin operated device for delivery of  
merchandise 82.08.080  
mass public transportation vehicle,  
exemption 82.04.050  
vending machines 82.08.080  
seller  
buyer, retail sales tax as debt from  
82.08.050  
duty to collect retail sales tax, liability  
82.08.050  
seller to collect 82.08.050  
tax to be stated separately from price  
82.08.050  
trust, seller holds in trust 82.08.050  
trust funds 82.08.050  
vending machines 82.08.080  
payment of retail sales tax 82.08.080  
retailer, defined, use tax 82.12.040  
road construction, public, tax on 82.04.280  
rooming house, charge for lodging as retail  
sale 82.04.050  
sale  
at retail, defined 82.04.050  
sales  
business and occupation tax  
retail sale, defined 82.04.050  
services, taxable as sales, when  
82.04.050  
retail sales tax  
retail sale, defined 82.04.050  
vending machines 82.08.080  
seed, sale to farmer 82.04.050  
seller  
buyer, retail sales tax a debt from  
82.08.050  
duty to collect retail sales tax, liability  
82.08.050  
service and other miscellaneous activities  
sales to persons performing, business and  
occupation tax 82.04.050  
sewerage collection  
rate of tax 82.16.020  
spraying materials, sales to farmers  
82.04.050  
telegraph business  
defined 82.16.010  
rates of tax 82.16.020  
telephone services  
defined 82.04.065

## TAXATION—Cont.

Excise taxes—Cont.  
 timber  
   small harvesters  
     definitions 84.33.073  
 tobacco products tax  
   additional  
     deposited in water quality account  
       82.26.025  
 tourist court, charge for lodging as retail  
 sale 82.04.050  
 towing, automobile, business and occupation  
 tax 82.04.050  
 trailer camp, charge for services as retail  
 sale 82.04.050  
 transient rentals, as retail sale 82.04.050  
 trust funds  
   retail sales tax 82.08.050  
   use tax 82.12.040  
 urban transportation business  
 defined 82.16.010  
 rate of utility tax 82.16.020  
 use tax  
 exemptions  
   mobile homes, used 82.12.033  
 state  
   absorption by seller 82.12.040  
   agent collecting compensating tax, sell-  
   er as agent 82.12.040  
   agents to collect 82.12.040  
   collection  
     seller to collect from buyer 82.12.040  
   exemptions  
     food products 82.12.0293  
     insulin 82.12.0277  
     ostomic items 82.12.0277  
     oxygen 82.12.0277  
     prosthetic and orthotic devices  
       82.12.0277  
     semen, livestock, artificial insemina-  
     tion 82.12.0267  
     senior citizen meals 82.12.0293  
   penalties, criminal  
     absorbing use tax 82.12.040  
     conversion of tax 82.12.040  
     railroad car business, defined 82.16.010  
     retailer, defined 82.12.040  
     retailers to collect 82.12.040  
     trust funds 82.12.040  
 vending machines  
   payment of retail sales tax 82.08.080  
 vessels under sixty-five feet, rate of utility  
 tax 82.16.020  
 warehousing, cold storage, business and  
 occupation tax 82.04.280  
 water distribution business  
 defined 82.16.010  
 rate of utility tax 82.16.020  
 Exemptions  
   mass public transportation terminal, facility,  
   or vehicles 82.04.050  
 Exemptions from property taxes  
   valuation of publicly owned property  
   84.40.175  
 Feed consumed at livestock market  
   retail sales tax exemption 82.08.0296  
   use tax exemption 82.12.0296  
 Fire insurance premium tax  
   basis for distribution of 41.16.050  
   payment into firemen's pension fund  
   41.16.050  
 Food fish and shellfish, possession tax  
   additional tax rates 82.02.030  
 Food products  
   sale for human consumption, tax exempt  
   82.08.0293  
   use for human consumption, tax exempt  
   82.12.0293

## TAXATION—Cont.

Historic properties  
 special valuation for improvements  
   application process 84.26.040, 84.26.050  
   definitions 84.26.020  
   disqualification, penalties 84.26.090  
   valuation criteria 84.26.030  
   valuation duration, notice of disqualifica-  
   tion 84.26.080  
   valuation duration 84.26.070  
 Industrial insurance  
   lien for premiums, penalty, on parity  
   51.16.170  
 Insurance  
   fire insurance premium, payment into fire-  
   men's pension fund 41.16.050, 41.24.030  
   independent agents, business and occupation  
   tax 82.04.280  
   premium tax  
     prepayment requirements 48.14.025  
   profits tax  
     prepayment requirements 48.14.025  
     state preemption 48.14.020  
 Limitations upon regular property taxes  
   election to authorize increase in regular  
   property tax levy 84.55.050  
 Livestock markets, feed consumed at  
 retail sales tax exemption 82.08.0296  
 use tax exemption 82.12.0296  
 Motor vehicle excise tax  
   additional tax rates 82.02.030  
 Motor vehicle fuel tax  
   distribution and allocation of proceeds  
   cities and towns 46.68.100  
   counties 46.68.100  
   pledge to continue levy of tax and deposit  
   receipts from in Puget Sound capital  
   construction account 47.60.430  
 Motor vehicle special fuel tax  
   licenses  
     required 82.38.090  
 Ocean marine and foreign trade insurance  
 48.14.020  
 Off-road and nonhighway vehicles (ORV)  
   motor vehicle fuel excise tax  
   refunds, distribution, use 46.09.170  
 Open space, farm agricultural and timber  
 land—current use assessment  
   forest land, compensating tax, deferral  
   84.33.145  
 Premium tax  
   insurance companies  
     prepayment requirements 48.14.025  
 Privilege tax  
   additional tax rates 82.02.030  
 Property taxes  
   agreements between districts, contingency  
   on levy authorized 39.67.010  
   assessments  
     exempt property, listing, proof 84.40.175  
     listing  
       exemptions 84.40.175  
       proof of exemption 84.40.175  
     valuation  
       publicly owned property 84.40.175  
     value of exemptions, listing 84.40.175  
 attorneys  
   certificates of delinquency  
   foreclosure by counties 84.64.050  
 ballots  
   excess levy elections  
     contents 84.52.054  
     to show levy in dollars 84.52.054  
   levies, excess election, contents 84.52.054  
 boats  
   exemptions 84.36.080  
   listing of taxable boats with department  
   of revenue  
   assessment 84.40.065

## TAXATION—Cont.

Property taxes—Cont.  
 certificates of delinquency  
   attorneys when county forecloses  
   84.64.050  
   city to receive copy of summons and no-  
   tice when county forecloses 84.64.050  
   commissioners  
     to provide legal assistance when county  
     forecloses 84.64.050  
   costs of  
     notice and summons when county fore-  
     closes 84.64.050  
   county as  
     holder, foreclosure 84.64.050  
   county entitled to have issued, when  
   84.64.050  
   defendants when county forecloses  
   84.64.050  
   deferral of taxes, delinquency does not  
   apply 84.64.050  
   filing with court clerk when issued to  
   county 84.64.050  
 foreclosure  
   by county 84.64.050  
   general certificate to county, when  
   84.64.050  
   grace period 84.64.050  
   issuance to county, foreclosure 84.64.050  
   jurisdiction of court when city not sup-  
   plied with county summons 84.64.050  
   legal assistance when county forecloses  
   84.64.050  
   newspaper charges for county notice and  
   summons 84.64.050  
   notice and summons for foreclosure by  
   county 84.64.050  
   parties to action when county forecloses  
   84.64.050  
   priority when city not supplied with coun-  
   ty summons 84.64.050  
   prosecuting attorney's duty when county  
   forecloses 84.64.050  
   publication costs  
     for county notice and summons  
     84.64.050  
   publication of  
     notice and summons when county fore-  
     closes 84.64.050  
 rolls  
   owners determined when county fore-  
   closes 84.64.050  
   senior citizens, issuance prohibited  
   84.64.050  
   service of  
     notice and summons when county fore-  
     closes 84.64.050  
   summons for foreclosure by county  
   84.64.050  
   treasurer, city's copy of summons on  
   county foreclosure 84.64.050  
   treasurer to  
     issue to county, when 84.64.050  
   unknown owners when county forecloses  
   84.64.050  
 cities and towns  
   certificates of delinquency, summons  
   when county forecloses 84.64.050  
   first class cities, general taxing power  
   35.22.280  
 costs  
   certificates of delinquency  
   notice and summons when county fore-  
   closes 84.64.050  
   publication of county notice and sum-  
   mons 84.64.050  
 counties  
   certificates of delinquency  
   foreclosure by county 84.64.050  
   when entitled to 84.64.050

## TAXATION—Cont.

Property taxes—Cont.  
 counties—Cont.  
 legislative authority's powers 36.32.120  
 road district taxes, payment to city street fund, when 35.02.140  
 county assessor  
 eventual dollar rate after excess election 84.52.054  
 excess levies, eventual dollar rate 84.52.054  
 county commissioners  
 certificates of delinquency  
 legal assistance when county forecloses 84.64.050  
 county treasurer  
 certificates of delinquency  
 issuance to county, when 84.64.050  
 courts  
 certificates of delinquency  
 jurisdiction when city not supplied with county summons 84.64.050  
 defendants, certificates of delinquency, foreclosure by county 84.64.050  
 elections  
 school districts  
 excess levies 84.52.053  
 exemptions  
 boats 84.36.080  
 listing 84.40.175  
 proof of, listing 84.40.175  
 ships 84.36.080  
 valuation of publicly owned property 84.40.175  
 value of, listing 84.40.175  
 vessels 84.36.080  
 filing  
 certificates of delinquency issued to county 84.64.050  
 foreclosure  
 certificates of delinquency  
 issued to counties 84.64.050  
 levies  
 assessor's  
 eventual dollar rate after excess election 84.52.054  
 ballot contents, dollar rate on rolls, when excess 84.52.054  
 ballot to show excess levy in dollars 84.52.054  
 dollar amount on ballot at excess election 84.52.054  
 eventual dollar rate on rolls, excess election 84.52.054  
 excess  
 ballot contents, dollar rate on rolls 84.52.054  
 limitations  
 one percentum 84.52.054  
 limitations upon regular property taxes  
 election to authorize increase in regular property tax levy 84.55.050  
 one percentum limit 84.52.054  
 rate, eventual dollar rate on rolls after excess election 84.52.054  
 rolls  
 dollar rate on when excess 84.52.054  
 school districts  
 excess levies 84.52.053  
 levies due in 1987 through 1991, levy setting modified 84.55.092  
 limitations upon regular property taxes  
 adjustment to 84.55.080  
 election to authorize increase in regular property tax levy 84.55.050  
 industrial development district purposes  
 by port district 84.55.045  
 refunds, exclusion 84.55.070

## TAXATION—Cont.

Property taxes—Cont.  
 listing  
 exempt property  
 proof 84.40.175  
 exemptions 84.40.175  
 proof of exemptions 84.40.175  
 valuation  
 publicly owned property 84.40.175  
 value of exemptions 84.40.175  
 millage, excess levies, eventual dollar rate on rolls 84.52.054  
 newspapers, certificates of delinquency, publication costs of county notice and summons 84.64.050  
 notices  
 certificates of delinquency  
 foreclosure by county 84.64.050  
 one percentum limit  
 levy limitation 84.52.054  
 parties  
 certificates of delinquency, foreclosure by county 84.64.050  
 proof  
 assessments, exempt property, listing 84.40.175  
 listing exemptions 84.40.175  
 prosecuting attorney  
 certificates of delinquency  
 issued to counties, duties 84.64.050  
 publications  
 certificates of delinquency  
 county's notice and summons 84.64.050  
 rates  
 excess levy election, eventual dollar rates 84.52.054  
 real property  
 mobile homes, movement permit and decal, payment  
 certificate, required 46.44.170  
 rolls  
 certificate of delinquency, determination of owner when county forecloses 84.64.050  
 eventual dollar rate on after excess election 84.52.054  
 excess levies, eventual dollar rate on 84.52.054  
 excess levy election, eventual dollar rate, rate 84.52.054  
 school districts  
 excess levies 84.52.053  
 service  
 certificate of delinquency  
 foreclosure by county 84.64.050  
 ships  
 exemptions 84.36.080  
 state  
 exemptions  
 ships and vessels 84.36.080  
 ships and vessels, exemptions 84.36.080  
 summons  
 certificates of delinquency  
 foreclosure by county 84.64.050  
 tax title property  
 certificates of delinquency  
 city to receive county summons 84.64.050  
 costs of  
 county notice and summons 84.64.050  
 county entitled to have, when 84.64.050  
 foreclosure by county 84.64.050  
 general certificate to county, when 84.64.050  
 legal assistance when county forecloses 84.64.050  
 newspaper charges for county notice and summons 84.64.050

## TAXATION—Cont.

Property taxes—Cont.  
 tax title property—Cont.  
 certificates of delinquency—Cont.  
 notice and summons  
 when county foreclosure 84.64.050  
 parties when county forecloses 84.64.050  
 service of county notice and summons 84.64.050  
 timber  
 sales on public land  
 notice of tax consequences 84.33.078  
 small harvesters  
 definitions 84.33.073  
 timber and forest lands  
 sales on public land  
 notice of tax consequences 84.33.078  
 valuation of forest land  
 appeals 84.33.120  
 application by owner, denial of application, appeal 84.33.130  
 certification of grade values 84.33.120  
 classification, removal of, compensating tax 84.33.120  
 compensating tax 84.33.140  
 determination of grade values 84.33.120  
 removal of  
 classification, procedure 84.33.120  
 designation 84.33.140  
 tax rolls, notation of designation 84.33.140  
 values, per acre, schedule of 84.33.120  
 transfer of funds between districts 39.67.020  
 unknown parties, certificates of delinquency, foreclosure by county 84.64.050  
 valuation  
 exemptions, listing of 84.40.175  
 listing  
 exemptions 84.40.175  
 publicly owned property 84.40.175  
 vessels  
 exemptions 84.36.080  
 visitation  
 personalty list, statement, schedule  
 visitation for verifying 84.40.340  
 watercraft  
 exemptions 84.36.080  
 Public stadium and convention center facilities  
 special excise tax, authority, limitation 67.28.180  
 Public utility tax  
 definitions 82.16.010  
 express business  
 defined 82.16.010  
 rate of tax 82.16.020  
 gas distribution business  
 defined 82.16.010  
 rate of tax 82.16.020  
 gross income, defined 82.16.010  
 highway transportation business  
 defined 82.16.010  
 rate of tax 82.16.020  
 imposition of 82.16.020  
 interurban transportation, defined 82.16.010  
 light and power business  
 defined 82.16.010  
 rate of tax 82.16.020  
 motor transportation business, defined 82.16.010  
 plant facility, operating as common carrier 82.16.020  
 power and light business  
 defined 82.16.010  
 rate of tax 82.16.020  
 public service business  
 defined 82.16.010  
 rate of tax 82.16.020



## TAXATION—Cont.

Public utility tax—Cont.  
 railroad business  
   plant facility 82.16.020  
   rate of tax 82.16.020  
 railroad car business, rate of tax 82.16.020  
 rate of tax 82.16.020  
 sewerage collection  
   rate of tax 82.16.020, 82.16.020  
 telegraph business  
   defined 82.16.010  
   rate of tax 82.16.020  
 tugboat business  
   defined 82.16.010  
   rate of tax 82.16.020  
 urban transportation business  
   defined 82.16.010  
   rate of tax 82.16.020  
 vessels under sixty-five feet, rate of tax  
   82.16.020  
 water distribution business  
   defined 82.16.010  
   rate of tax 82.16.020  
 Public works projects  
   public works assistance account  
     source of revenue 82.16.010, 82.16.020  
 Refuse collection business  
   collection of tax 82.18.030  
   definitions 82.18.010  
   federal government exempt 82.18.050  
   multiple taxation, exemption to avoid  
     82.18.060  
   public works assistance account, deposit tax  
     in 82.18.040  
   tax imposed 82.18.020  
 Retail sales tax  
   additional tax rates 82.02.030  
   state  
     agricultural chemical sprays not retail  
       sale, when 82.04.050  
     breeding stock exemption 82.08.080  
     buyer  
       duty to pay 82.08.050  
       retail sales tax, duty to pay 82.08.050  
     coin operated laundries, hotels, motels,  
       rooming house, not retail sale, when  
       82.04.050  
     coin operated receptacles for delivery of  
       merchandise, selling price based on  
       percentage of gross receipts 82.08.080  
     collectible from the buyer by seller  
       82.08.050  
     collection  
       seller liable 82.08.050  
       seller to collect from buyer 82.08.050  
       trust fund 82.08.050  
     collection as a separate item, impractical  
       82.08.080  
     collection from buyer by department of  
       revenue 82.08.050  
     consumer, defined 82.04.190  
     debt  
       by seller to state 82.08.050  
       retail sales tax, buyer to seller  
       82.08.050  
     definitions 82.04.050  
     consumer 82.04.190  
     retail sale 82.04.050  
     sale  
       at retail 82.04.050  
       at wholesale 82.04.050  
     exemption  
       canning, preserving, freezing, dehydrat-  
       ing, sale/leaseback agreements  
       82.08.0295  
     exemptions  
       feed consumed at livestock market  
       82.08.0296

## TAXATION—Cont.

Retail sales tax—Cont.  
 state—Cont.  
   exemptions—Cont.  
     food and food products  
       purchased with food stamps or cou-  
       pons 82.08.0292  
     food products 82.08.0293  
     hearing aids 82.08.0283  
     insulin 82.08.0283  
     milk cows, sale of 82.08.0259  
     orthotic devices 82.08.0283  
     ostomic items 82.08.0283  
     oxygen 82.08.0283  
     prosthetic devices 82.08.0283  
     senior citizen meals 82.08.0293  
   failure to pay, misdemeanor 82.08.050  
   liability of seller 82.08.050  
   liquor  
     bottled spirits and strong beer  
       additional tax rates 82.02.030  
   magnesium, taxation of components used  
     in processing 82.04.050  
   payment  
     buyer to seller 82.08.050  
   penalties  
     criminal  
       conversion of retail sales tax  
       82.08.050  
       refusal of  
         buyer to pay retail sales tax  
         82.08.050  
         refusal of seller to collect retail sales  
         tax 82.08.050  
     purchaser, liability for retail sales tax  
       82.08.050  
   retail sale, defined 82.04.050  
   sale  
     at retail or retail sale, defined  
       82.04.050  
     coin operated receptacles for delivery  
       of merchandise 82.08.080  
     vending machines 82.08.080  
   seller  
     buyer, retail sales tax as debt from  
       82.08.050  
     duty to collect retail sales tax, liability  
       82.08.050  
     seller to collect 82.08.050  
     tax to be stated separately from price  
       82.08.050  
     telephone competitive service 82.04.050  
     trust funds 82.08.050  
     trust seller holds in trust 82.08.050  
     vending machines 82.08.080  
       payment of retail sales tax 82.08.080  
 Sale/leaseback agreements, canning, preserv-  
 ing, freezing, dehydrating  
 retail sales tax exemption 82.08.0295  
 use tax exemption 82.12.0295  
 School levies, by districts 84.52.053  
 Tax credits for eligible business projects in  
 high unemployment areas  
   allowance of 82.62.030  
   application 82.62.020  
   definitions 82.62.010  
   employment security department, employ-  
     ment and wage determinations  
     82.62.060  
   recipients to report to department 82.62.050  
 Thermal electric generation  
 privilege tax  
   additional tax rates 82.02.030  
   distribution 54.28.055  
 Timber and forest lands  
 composite property tax rate  
   defined 84.33.035  
 development rights 84.33.120, 84.33.140  
 excise tax, public timber, private purchases  
   84.33.175

## TAXATION—Cont.

Timber and forest lands—Cont.  
 forest land  
   defined 84.33.035  
 harvested  
   defined 84.33.035  
 harvester  
   defined 84.33.035  
 open space  
   compensating tax, deferral 84.33.145  
 sales on public land  
   notice of tax consequences 84.33.078  
 small harvesters  
   definitions 84.33.073  
 stumpage value of timber  
   defined 84.33.035  
 timber  
   defined 84.33.035  
 timber assessed value  
   defined 84.33.035  
 valuation of forest land  
   appeals 84.33.120  
   application by owner, denial of applica-  
     tion, appeal 84.33.130  
   certification of grade values 84.33.120  
   classification, removal of, compensating  
     tax 84.33.120  
   compensating tax 84.33.140  
   determination of grade values 84.33.120  
   removal of  
     classification  
       procedure 84.33.120  
       sale to new owner 84.33.120  
     designation 84.33.140  
   tax rolls, notation of designation  
     84.33.140  
   values, per acre, schedule of 84.33.120  
 Tobacco products tax  
 additional, deposited in water quality ac-  
 count 82.26.025  
 additional tax rates 82.02.030  
 Use tax  
 state  
   absorption by seller 82.12.040  
   agent, collecting compensating tax, seller  
     as agent 82.12.040  
   agents to collect 82.12.040  
   collection  
     seller to collect from buyer 82.12.040  
 exemption  
   canning, preserving, freezing, dehydrat-  
     ing, sale/leaseback agreements  
     82.12.0295  
   feed consumed at livestock market  
     82.12.0296  
   food products 82.12.0293  
   hearing aids 82.12.0277  
   insulin 82.12.0277  
   mobile homes, used 82.12.033  
   ostomic items 82.12.0277  
   oxygen 82.12.0277  
   prosthetic and orthotic devices  
     82.12.0277  
   senior citizen meals 82.12.0293  
 penalties, criminal  
   absorbing use tax 82.12.040  
   conversion of tax 82.12.040  
   railroad car business, defined 82.16.010  
   retailer, defined 82.12.040  
   retailers to collect 82.12.040  
   trust funds 82.12.040  
 Vending machines  
 sales tax collection 82.08.050  
 Vessels  
 apportionment 84.40.036  
 Water pollution control facilities  
 components of facilities taxed 82.32.390  
 Wines and wineries, gallonage tax  
 additional tax rates 82.02.030

**TAXING DISTRICTS**

Agreements between districts, contingency on levy authorized 39.67.010  
Transfer of funds between districts 39.67.020

**TEACHERS**

Certification  
state board of education to supervise issuance of certificates and diplomas 28A.04.120  
Child abuse information in common school curriculum 28A.04.120, 28A.05.010  
Evaluation  
minimum procedural standards and model evaluation programs 28A.67.225  
Examinations  
questions prepared by state board of education 28A.04.120  
Excellence in education award program  
Christa McAuliffe award 28A.03.526  
duties 28A.03.532  
established 28A.03.523  
grant in lieu of waiver of tuition and fees 28A.03.535

**TEACHERS' RETIREMENT**

Cost-of-living adjustment 41.32.485  
Membership in system  
restoration of service credit 41.32.500  
retention of membership 41.32.500  
termination of membership 41.32.500  
Resumption of employment and restoration of service credit 41.32.500  
Retirement allowances  
cost-of-living adjustment 41.32.485  
Suspension of pension on reemployment 41.32.570  
1977 act  
contribution rates, employers, members 41.32.775  
no contributions if no service credit earned 41.32.775  
unfunded liability, contribution rate 41.32.775

**TELEGRAPH LINES**

Electrical code, telegraph lines excepted from 19.28.010

**TELEPHONE LINES**

Electrical code, excepted from 19.28.010

**TELEPHONES**

Automatic dialing devices, telephone solicitation using, prohibited 80.36.400  
Bugging 9.73.030  
Cities and towns  
deferral of rate reduction  
telephone business 35A.82.070  
tax  
network telephone services 35A.82.065  
telephone toll service 35A.82.060  
Crimes  
bugging 9.73.030  
electronic interception 9.73.030, 9.73.090  
intercepting private conversation 9.73.030  
recording private conversations 9.73.030, 9.73.090  
video and sound recordings by police, fire, and certain emergency response personnel, when authorized 9.73.090  
wiretaps 9.73.030, 9.73.090  
Emergency information telephone services accessibility from all phones 43.17.230  
Hostage or barricaded person situation telecommunications may be intercepted 9.73.030

**TELEPHONES—Cont.**

Network telephone service  
cities and towns 35.21.714  
Service  
competitive, providing of  
business and occupation tax, charge of service as retail sale 82.04.050  
Solicitation  
automatic dialing devices, prohibited 80.36.400  
regulated 80.36.390  
Tax, retail sales, competitive service 82.04.050  
Taxation  
cities and towns  
network telephone service 35.21.714, 35.21.715  
telephone business  
deferral of rate reduction 35.21.871  
toll telephone service 35.21.714

**TELEVISION**

Electrical code, television wires, antenna, etc., excepted from 19.28.010

**TERMINATION**

Industrial insurance, application for adjustment 51.32.160

**TERMS OF OFFICE**

Liquor control board 66.08.014

**TESTIMONY**

Husband and wife  
criminal proceeding for crime against child by husband or wife when parent or guardian, privileged communication does not apply 5.60.060  
Industrial insurance  
compelling before department 51.04.040  
Physician and patient, judicial proceeding involving child's injuries, neglect or sexual abuse, privileged communication does not apply 5.60.060  
Privileged communications  
attorney and client 5.60.060  
clergyman, confessions to 5.60.060  
husband and wife 5.60.060  
physician and patient 5.60.060  
physicians or surgeons 5.60.060  
public officers 5.60.060

**THE EVERGREEN STATE COLLEGE**

Education courses approved by state board of education 28A.04.120  
Entrance requirements relative to teacher, school administrator, or school specialized personnel certification, state board of education, investigation by 28A.04.120  
Fees  
tuition  
defined 28B.15.020  
reflect instructional cost 28B.15.067  
Program of courses leading to teacher, school administrator, or school specialized personnel certification approved by state board of education 28A.04.120  
Tuition  
exemptions  
children of  
law enforcement officers and fire fighters killed or totally disabled in line of duty 28B.40.361  
Tuition and fees  
waiver  
limitation on total tuition and fee waivers 28B.15.740  
Tuition fees  
reflect instructional cost 28B.15.067

**THEFT**

Shopping carts  
definitions 9A.56.010

**THEFT OF LIVESTOCK**

Defined 9A.56.080  
Felony 9A.56.080

**THOMAS BURKE MEMORIAL WASHINGTON STATE MUSEUM (See MUSEUMS, subtitle Burke museum)****THREAT**

Defined for  
Washington Criminal Code 9A.04.110

**THURSTON COUNTY**

Superior court judges, number of 2.08.065

**TIDELANDS**

Easement and right of way over removal of valuable materials  
private easement subject to state and common users 79.36.250

**TIMBER**

Harvesters  
excise tax  
small harvesters  
definitions 84.33.073  
Sales on public land  
notice of tax consequences 84.33.078  
Taxation  
composite property tax rate  
defined 84.33.035  
forest land  
defined 84.33.035  
harvested  
defined 84.33.035  
harvester  
defined 84.33.035  
stumpage value of timber  
defined 84.33.035  
timber  
defined 84.33.035  
timber assessed value  
defined 84.33.035

**TIRE CHAINS**

Approved use of, regulation by commission on equipment 46.37.420

**TIRES**

Motor vehicles  
chains, or studded tires, when may be required by highway commission 46.37.420  
operating vehicle having protuberances other than of rubber 46.37.420  
pneumatic rubber tires, operating without 46.37.420  
studded tires, operating with, when 46.37.420

**TITLE INSURANCE**

Business and occupation tax, charge or service as retail sale 82.04.050

**TOBACCO**

Minors, selling or giving to 26.28.080

**TORTS**

Attorney fees 4.24.005  
Breach of duty imposed by statute, ordinance or rule  
negligence per se 5.40.050

## TORTS

### TORTS—Cont.

Drunk driving  
personal injury, contributory fault 5.40.060  
wrongful death, contributory fault 5.40.060  
Economic damages  
defined 4.56.250  
Fault  
determination, limitations 4.22.070  
Felony  
personal injury or wrongful death 4.24.420  
Noneconomic damages  
defined 4.56.250  
Personal injury  
damages 4.56.260  
defense, contributory fault 5.40.060  
defense, engaged in a felony 4.24.420  
definitions 4.56.250  
Property damage  
damages 4.56.260  
Wrongful death  
defense, contributory fault 5.40.060  
defense, engaged in a felony 4.24.420  
definitions 4.56.250

### TOUR OPERATORS (See TRAVEL CHARTER AND TOUR OPERATORS)

### TOURISM

Special excise tax for distressed areas  
67.28.210  
Tall ships tourist attraction 67.28.210  
Tourist-oriented directional sign  
definitions 47.42.020  
Washington products, expansion of market,  
pamphlet 43.31.057

### TOW TRUCKS

Capacity fee in addition to and in lieu of additional fees 46.16.079

### TOWNSHIPS

Indebtedness  
computation of indebtedness 39.36.030

### TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF

Agricultural market development programs  
department duties 43.23.035  
Department  
director  
appointment of 43.17.020  
foreign trade zones, responsibilities regarding  
cities and towns 35.21.800  
job skills program  
duties 28C.04.460  
interagency agreement 28C.04.440  
Director  
energy facility site evaluation council member 80.50.030  
Personnel 43.31.115  
Tax deferrals for manufacturing, research, and development projects  
report to legislature 82.61.070  
Trade information services 43.31.059  
Washington products, expansion of market,  
pamphlet 43.31.057

### TRADEMARKS AND TRADE NAMES

Lights and devices for motor vehicles to bear  
trademark or name 46.37.310

### TRAFFIC INFRACTIONS

Enforcement procedure  
monetary penalty 46.63.110  
Farm vehicles, licensing, violations 46.16.090  
Inspection program  
prohibited acts 46.32.050

### TRAFFIC INFRACTIONS—Cont.

Local courts, discretion 46.63.110  
Monetary penalties 46.63.110  
Monthly tonnage licenses, violations 46.16.135  
Motor vehicles  
driver's license  
handicapped, restrictions, violations of  
46.20.041  
Nonappearance after written promise, response by mail, when 46.64.020  
Overloading licensed capacity 46.16.140  
Standing, stopping, parking  
monetary penalties  
no renewal without payment 46.63.110  
Violations  
designated as, exceptions 46.63.020

### TRAILER COURTS

Business and occupation tax, charge for lodging as retail sale 82.04.050

### TRAILERS

Sale or transfer of, credit for unused fee  
46.16.280  
Trailer camps, tax for stadiums and convention centers 67.28.180

### TRANSIENT ACCOMMODATIONS

Fire and safety rules and regulations, duties of department of community development  
70.62.290

### TRANSPLANTS

Identification of potential donors, hospital procedures 68.08.650, 68.08.660

### TRANSPORTATION, DEPARTMENT OF

Director  
energy facility site evaluation council, membership 80.50.030  
Ferries  
general obligation bond issue—1977 act  
amount 47.60.560  
interfund transfers, reimbursements,  
charges 47.60.620  
passenger only vessels 47.60.560  
proceeds  
disposition 47.60.570  
use limitation 47.60.570  
purposes 47.60.560  
1-90 completion bond issue—1979 act  
administration and amount of bond sales  
47.10.791  
proceeds, deposit, use 47.10.792  
Interstate highways, category A, category C  
improvements—1981 act  
bond proceeds, deposit, use 47.10.803  
sales procedure, amounts, limitations  
47.10.802  
Mobile home, special movement permit and decal 46.44.170  
Puget Sound capital construction account  
uses 47.60.505  
Vehicles with movable tracks, department to issue permits for movement of 46.37.420

### TRANSPORTATION

Elderly persons, use of school buses, authorized 28A.24.055

### TRANSPORTATION COMPANIES

Motor freight carriers  
deposits of security requirements 81.80.190  
insurance requirements 81.80.190  
security deposit requirements 81.80.190

## TRUST COMPANIES

### TRANSPORTATION COMPANIES—Cont.

Radioactive or hazardous materials  
liability requirements  
commission to notify state control agency  
of coverage change 81.80.190

### TRAVEL CHARTER AND TOUR OPERATORS

Advertising, restrictions 19.138.030  
Cancellation 19.138.050  
Consumer protection act 19.138.080  
Definitions 19.138.020  
Legislative finding 19.138.010  
Trust account or bond required 19.138.060  
Written information statement  
contents 19.138.040  
required 19.138.070

### TRAVEL EXPENSES

Electrical examiners, board of 19.28.123  
Electrical inspectors, state 19.28.070  
License revocation committee 43.24.110

### TRESPASS

Force, use of to prevent, when lawful  
9A.16.020  
Prevention of, force, when lawful 9A.16.020

### TRIALS

Instructions to juries  
legal holidays, giving on 2.28.100  
Jury trials  
instructions  
legal holidays, giving on 2.28.100

### TRUCKS

Tow trucks, capacity fee in addition to and in lieu of additional fees 46.16.079

### TRUST COMPANIES

Accounts  
regulations 30.20.060  
Additional powers, approval by supervisor of banking 30.04.215  
hearing, appeal 30.04.215  
Advertising  
use of "bank" or "trust" restricted to banks and trust companies, penalty 30.04.020  
Articles of incorporation  
amendments  
authorized but unissued shares  
consideration 30.08.087  
new certificate, when required  
30.08.090  
statements of condition 30.08.090  
bank to be trust company, permission of supervisor of banking required  
30.08.090  
increase or decrease in capital stock  
30.08.090  
increase or reduction of capital stock  
30.08.090  
vote required for 30.08.090  
contents and statements 30.08.020  
filing and recording of 30.08.050  
submission to supervisor of banking  
30.08.020  
Assets  
debts, bad, writing off 30.04.130  
judgments uncollected two years 30.04.130  
real estate, when considered as asset  
30.04.210  
Bank, use of word restricted to banks and trust companies, penalty 30.04.020  
Banking, use of word restricted to banks and trust companies, penalty 30.04.020  
Bonds  
fidelity, for officers and employees 30.12.030

## TRUST COMPANIES

### TRUST COMPANIES—Cont.

Branch trust companies, establishment of financial necessity 30.04.020  
 requisites 30.04.020

Branch trust companies in foreign countries, establishment of requisites 30.04.020

Capital stock  
 amounts required to incorporate 30.08.010  
 authorized but unissued shares consideration 30.08.087  
 issuance, procedure for 30.08.088  
 new certificate, when required 30.08.090  
 statements of condition 30.08.090  
 impairment of by preferred stock, determination 30.08.086  
 increase or decrease 30.08.090  
 increase restrictions 30.08.090  
 notice of 30.08.090  
 procedure 30.08.090  
 vote required 30.08.090  
 purchase of own authorized 30.04.238  
 record of stock to be kept 30.12.020  
 transfer  
 record to be kept 30.12.020

Casualty insurance 30.12.030

Certificate of authority  
 contents 30.08.060  
 filing and recording of 30.08.060  
 time limit for issuance 30.08.060  
 transaction of business restricted until received 30.08.050

Certificate of forfeiture 30.08.070

Contributions and gifts 30.04.225

Corporations  
 preferred stock  
 capital, impairment, determination 30.08.086  
 issuance authority 30.08.082  
 rights, dividends, liquidation 30.08.084

Crimes relating to  
 advertising, use of "bank" or "trust" restricted to banks or trust companies, penalty 30.04.020  
 "bank" or "banking", use of word restricted to banks and trust companies, penalty 30.04.020  
 confidentiality of examination reports and information 30.04.075  
 loans  
 commission or gratuity for procuring 30.12.110

Debts  
 valuation of assets 30.04.130  
 writing off bad debts 30.04.130

Decrease of capital stock, procedure 30.08.090

Deposits  
 savings deposits  
 rules and regulations  
 effect 30.20.060  
 posting of 30.20.060  
 scope 30.20.060

Directors  
 election 30.12.010  
 meetings 30.12.010, 30.12.020  
 number required 30.12.010  
 oath of office 30.12.010  
 qualifications 30.12.010  
 quorum 30.12.010  
 terms 30.12.010  
 vacancies, how filled 30.12.010

Dividends  
 net profits, payment restricted to 30.04.180  
 restriction upon declaring 30.04.180  
 suspension of payment of by supervisor of banking 30.04.180  
 when may be declared 30.04.180

Examinations of  
 reports and information 30.04.075  
 confidentiality and disclosure 30.04.075

### TRUST COMPANIES—Cont.

Examinations of—Cont.  
 reports and information—Cont.  
 not subject to public disclosure law 30.04.075  
 penalty for violating confidentiality 30.04.075  
 rules and regulations for 30.04.030

Failure to commence business within six months  
 extension of time 30.08.070  
 filing and recording certificate of forfeiture 30.08.070  
 forfeiture articles 30.08.070

Fidelity bond 30.12.030

Filings  
 articles of incorporation 30.08.050  
 certificate of authority 30.08.060  
 certificate of forfeiture 30.08.070  
 increase or reduction of capital stock, amendment to articles 30.08.090

Foreign countries, branch banks, establishment of, approval of supervisor required 30.04.020

Foreign or international banking institutions  
 trust companies may invest in capital stock or surplus of 30.04.380  
 trust companies may invest in stock or ownership of 30.04.390

Forfeiture upon failure to commence business within six months 30.08.070

Formation  
 capital requirements 30.08.010  
 incorporators, number required 30.08.010  
 surplus and undivided profits required 30.08.010

Incorporators, number of 30.08.010

Increase of capital stock, procedure 30.08.090

Insurance against burglary, theft, robbery required 30.12.030

International or foreign banking institutions  
 trust companies may invest in capital stock and surplus of 30.04.380  
 trust companies may invest in stock or ownership of 30.04.390

Investments  
 capital stock and surplus of banks or corporations engaged in international or foreign banking, authorized 30.04.380  
 continuing authority for investments 30.04.395  
 corporations 30.04.125  
 stock or ownership of banks or corporations engaged in international or foreign banking, authorized 30.04.390

Judgments held by trust company, when cease to be asset 30.04.130

Loans  
 commission or benefit for obtaining prohibited, penalty 30.12.110  
 limitations 30.04.111  
 own stock as security prohibited 30.04.120  
 stock of other corporations as security 30.04.120

Name  
 use of "bank" or "trust" restricted to banks and trust companies, penalty 30.04.020

Net profits  
 surplus fund, carrying amount in before paying dividend required 30.04.180

Notices  
 increase or reduction of capital stock, meeting for 30.08.090

Officers and employees  
 loans  
 commission or benefit for obtaining prohibited, penalty 30.12.110  
 purchase of assets prohibited, penalty 30.12.050  
 surety and fidelity bonds on 30.12.030

## TRUST COMPANIES

### TRUST COMPANIES—Cont.

Pledging of assets or securities prohibited, exceptions 30.04.140

Powers of trust companies  
 additional powers 30.04.215

Preferred stock  
 impairment of capital, determination 30.08.086  
 issuance authority 30.08.082  
 rights, dividends, liquidation 30.08.084

Proposed articles of incorporation  
 contents and statements 30.08.020  
 submission to supervisor of banking 30.08.020

Proxy voting 30.12.010

Real estate  
 asset, when considered as 30.04.210  
 investments in 30.04.210  
 purchase, holding and conveyance powers  
 additional sales contract investments 30.04.210  
 building for business 30.04.210  
 debts, real estate taken in satisfaction of 30.04.210  
 judgments, real estate sold to bank or trust company under 30.04.210  
 liens, real estate sold to bank or trust company in satisfaction of 30.04.210  
 mortgage foreclosure sale, real estate taken through 30.04.210  
 purposes 30.04.210  
 trust company receiving real estate in trust 30.04.210

Rules and regulations  
 copies mailed to each bank and trust company 30.04.030  
 examinations and reports, rules and regulations to cover 30.04.030  
 supervisor of banking to adopt 30.04.030

Savings deposits  
 rules and regulations  
 effect 30.20.060  
 posting of 30.20.060  
 scope 30.20.060

Stock  
 deemed personal property 30.04.120  
 loans on own stock as security prohibited 30.04.120  
 one vote per share 30.12.010  
 preferred  
 impairment of capital, determination 30.08.086  
 issuance authority 30.08.082  
 rights, dividends, liquidation 30.08.084  
 series  
 authority to establish 30.08.083  
 special classes  
 issuance authority 30.08.082  
 rights of holders 30.08.084  
 transfer  
 record to be kept 30.12.020

Stockholders  
 record of to be kept 30.12.020  
 right to vote 30.12.010  
 vote by proxy 30.12.010

Supervisor of banking  
 additional authority of trust company, approval by supervisor of banking 30.04.215  
 branch trust company establishment, approval of supervisor required 30.04.020  
 branch trust company establishment in foreign country, approval of supervisor required 30.04.020

Surety bonds for officers and employees 30.12.030

Surplus and undivided profits required upon formation 30.08.010

## TRUST COMPANIES

### TRUST COMPANIES—Cont.

Surplus fund, net profits, carrying amount in surplus fund before paying dividend 30.04.180

### Voting

proxy, right to vote by 30.12.010  
stockholder's right to 30.12.010

### TRUST FUNDS

Public works contract, labor and material liens 60.28.010

### TRUSTS

Use tax, trust funds 82.12.040

### TUBERCULOSIS

State administered hospital facilities budget for by counties 70.33.040

### TUGBOATS

Public utility tax imposed 82.16.020

### TUGS AND WHARF BOATS

Cities and towns, first class cities, regulation and control of 35.22.280

### UNCLAIMED PROPERTY

Notice and publication of lists 63.29.180  
Uniform unclaimed property act notice and publication of lists 63.29.180

### UNEMPLOYMENT COMPENSATION

#### Benefits and claims

disqualification for receipt of industrial insurance disability benefits 50.20.085  
marginal labor force attachment 50.20.015

#### Corporate officers

inclusion, employer's election 50.04.165

#### Employer experience rating

computation date, defined 50.29.010  
cut-off date, defined 50.29.010  
definitions 50.29.010  
payroll, defined 50.29.010  
qualification date, defined 50.29.010  
qualified employer, defined 50.29.010  
rate year, defined 50.29.010

#### Employer rate of contribution

calculation 50.29.022

#### Employment partnership program

annual report to legislature 50.63.100  
created, goals 50.63.020  
employer eligibility, conditions 50.63.040  
federal funds to be sought by the department of social and health services 50.63.090  
grants, diversion to worker-owned businesses 50.63.050  
legislative findings 50.63.010  
pilot projects 50.63.030  
program participants benefits and salary not to be diminished 50.63.070  
classification under job training law 50.63.080  
eligibility for assistance programs 50.63.060

Marginal labor force attachment 50.20.015

Tips included as wages 50.04.320

#### Wages or remuneration

general definition 50.04.320

### UNFAIR BUSINESS PRACTICES

Motor vehicle practices 46.70.005–46.70.041, 46.70.061, 46.70.070, 46.70.083, 46.70.101, 46.70.102, 46.70.120, 46.70.170, 46.70.180, 46.70.190–46.70.210, 46.70.260

### UNFAIR BUSINESS PRACTICES—Cont.

Vehicle business unlawful practices enumerated 46.70.180

### UNFAIR TRADE PRACTICES

Agricultural enabling act of 1955  
unfair trade practice, defined 15.66.010

### UNIFORM COMMERCIAL CODE

Actions and proceedings definition 62A.1–201

Admissions as evidence investment securities, contract for sale made, statute of frauds 62A.8–319

Agricultural products, liens, priority 62A.9–310

Bank, branch, defined 62A.1–201

Bank, definitions 62A.1–201

Bank deposits and collections (Article 4)  
bank  
branch, defined 62A.1–201  
defined 62A.1–201

Bearer, defined 62A.1–201

Burden of establishing a fact, defined 62A.1–201

#### Burden of proof

defect or signature, investment securities 62A.8–105  
defined 62A.1–201  
investment securities, signature or defect 62A.8–105

#### signatures

investment securities 62A.8–105

Buyer in ordinary course of business, defined 62A.1–201

Cable, included by definition in "telegram" 62A.1–201

Commercial entity, organization as including 62A.1–201

#### Commercial paper (Article 3)

checks dishonored  
notice of dishonor form 62A.3–520  
payee's rights 62A.3–515  
satisfaction of claim 62A.3–515  
equity, action, definition 62A.1–201  
nonacceptance, dishonor of check, payee's rights 62A.3–515

#### Conflicts of law

investment securities 62A.8–106  
secured transactions 62A.9–103

Consignment, reservation of Title, security interest 62A.1–201

Conspicuous, defined 62A.1–201

#### Construction

investment securities, application of Article 8 (Investment securities)—securities which are negotiable 62A.8–106

#### Contracts

defined 62A.1–201

Corporations, organization, definition 62A.1–201

#### Creditor

defined 62A.1–201

#### Custom and usage

agreement as including bargain implied from 62A.1–201

#### Damages

investment securities, overissue 62A.8–104  
nonreceipt of goods, consignee 62A.7–301

Debts 62A.1–201

Defendant, defined 62A.1–201

#### Definitions and application of definitions

account  
(Secured transactions) 62A.9–105  
account debtor, (Secured transactions) 62A.9–105

action 62A.1–201

adverse claim 62A.8–302

## UNIFORM COMMERCIAL CODE

### UNIFORM COMMERCIAL CODE—Cont.

Definitions and application of definitions—Cont.

aggrieved party 62A.1–201

agreement 62A.1–201

airbill 62A.1–201

appropriate evidence of appointment or incumbency, (Investment securities) 62A.8–402

bank 62A.1–201

banker 62A.1–201

bearer 62A.1–201

bill of lading 62A.1–201

bona fide purchaser, (Investment securities) 62A.8–302

branch 62A.1–201

bank 62A.1–201

broker, (Investment securities) 62A.8–303

burden of establishing a fact 62A.1–201

buyer in ordinary course of business 62A.1–201

buying 62A.1–201

chattel paper, (Secured transactions) 62A.9–105

#### checks

(Secured transactions) 62A.9–105

collateral, (Secured transactions) 62A.9–105

conspicuous 62A.1–201

consumer goods

(Secured transactions) 62A.9–105

contract 62A.1–201

contract for sale

(Secured transactions) 62A.9–105

contract right, (Secured transactions) 62A.9–105

creditor 62A.1–201

debtor, (Secured transactions) 62A.9–105

defendant 62A.1–201

delivery 62A.1–201

discover 62A.1–201

#### documents

(Secured transactions) 62A.9–105

documents of title 62A.1–201

equipment, (Secured transactions) 62A.9–105

farm products, (Secured transactions) 62A.9–105

fault 62A.1–201

fungible 62A.1–201

general 62A.1–201

general intangibles, (Secured transactions) 62A.9–105

genuine 62A.1–201

gives notice 62A.1–201

good faith 62A.1–201

#### goods

(Secured transactions) 62A.9–105

guarantee of the signature, (Investment securities) 62A.8–402

holder 62A.1–201

holder in due course

(Secured transactions) 62A.9–105

honor 62A.1–201

insolvency proceedings 62A.1–201

insolvent 62A.1–201

#### instrument

(Secured transactions) 62A.9–105

inventory, (Secured transactions) 62A.9–105

#### issuer

(Investment securities) 62A.8–201

knowledge 62A.1–201

learn 62A.1–201

lien creditor, (Secured transactions) 62A.9–105

minerals, sale at wellhead or minehead 62A.1–201

money 62A.1–201

notice 62A.1–201

## UNIFORM COMMERCIAL CODE—Cont.

Definitions and application of definitions—  
Cont.  
notifies 62A.1-201  
organization 62A.1-201  
overissue, (Investment securities) 62A.8-104  
party 62A.1-201  
person 62A.1-201  
presumption 62A.1-201  
proceeds, (Secured transactions) 62A.9-105  
proper form, (Investment securities) 62A.8-102  
purchase 62A.1-201  
purchase money security interest, (Secured transactions) 62A.9-105  
purchaser 62A.1-201  
receives notice 62A.1-201  
remedy 62A.1-201  
representative 62A.1-201  
rights 62A.1-201  
sale  
(Secured transactions) 62A.9-105  
secured party, (Secured transactions) 62A.9-105  
security agreement, (Secured transactions) 62A.9-105  
security interest 62A.1-201  
send 62A.1-201  
"send" in connection with notice or any writing 62A.1-201  
signed 62A.1-201  
surety 62A.1-201  
telegram 62A.1-201  
term 62A.1-201  
unauthorized 62A.1-201  
unauthorized signature or indorsement 62A.1-201  
value 62A.1-201  
warehouse receipt 62A.1-201  
writing 62A.1-201  
written 62A.1-201  
Delivery  
defined 62A.1-201  
Discover, defined 62A.1-201  
Equity  
actions, definition 62A.1-201  
Estates, organization includes an estate 62A.1-201  
Executors and administrators, creditor, defined 62A.1-201  
Fault, defined 62A.1-201  
Forgery, unauthorized signature, definition 62A.1-201  
Fungible, defined 62A.1-201  
Fungible goods, defined 62A.1-201  
Fungible securities, defined 62A.1-201  
Genuine  
defined 62A.1-201  
Gifts, definition of purchase 62A.1-201  
Gives notice, defined 62A.1-201  
Good faith  
defined 62A.1-201  
Government, organization, definition includes 62A.1-201  
Guarantor, included in definition of surety 62A.1-201  
Holder  
defined 62A.1-201  
Honor  
defined 62A.1-201  
Indorsement, unauthorized, defined 62A.1-201  
Insolvency proceedings, defined 62A.1-201  
Insolvent, defined 62A.1-201  
Investment securities  
exchangeability of securities 62A.8-407  
uncertificated securities, statements of 62A.8-408  
Investment securities (Article 8)  
actions and proceedings  
action for price 62A.8-107

## UNIFORM COMMERCIAL CODE—Cont.

Investment securities (Article 8)—Cont.  
actions and proceedings—Cont.  
actions against transferee based upon wrongful transfer 62A.8-315  
burden of proof 62A.8-105  
possession, wrongful transfer 62A.8-315  
presumptions 62A.8-105  
admissions 62A.8-105  
contract for sale 62A.8-319  
adverse claim  
indemnity bond 62A.8-403  
notice 62A.8-304  
date, redemption or exchange 62A.8-305  
indorsement, bearer form 62A.8-310  
staleness as notice 62A.8-305  
registration of transfer 62A.8-403  
agents  
conversion 62A.8-318  
registration of transfer 62A.8-406  
alteration or completion of certificated security or initial transaction statement 62A.8-206  
application of title, conflicts of law 62A.8-106  
assessments, registered owners and pledges, liability 62A.8-207  
assignment  
restrictions 62A.8-204  
assurance that indorsements or instruction are effective 62A.8-402  
attachment of 62A.8-317  
authenticating trustee  
duties 62A.8-406  
notice 62A.8-406  
signature 62A.8-205  
authentication, warranty 62A.8-208  
bailee, conversion 62A.8-318  
bearer form  
adverse claims, notice 62A.8-304  
indorsement 62A.8-310  
blank indorsement  
transfer, release, or pledge 62A.8-320  
transfer or pledge 62A.8-309  
bona fide purchaser, adverse claims 62A.8-302  
bona fide purchaser  
action for possession 62A.8-315  
blanks incorrectly filled, enforcement 62A.8-206  
defects 62A.8-202  
defined 62A.8-302  
delivery without indorsement 62A.8-307, 62A.8-405  
loss, destroyed or wrongfully taken securities 62A.8-405  
registration of transfer, warranties 62A.8-306  
secured transactions, priorities 62A.9-309  
broker  
defined 62A.8-303  
duty to transfer 62A.8-314  
burden of proof, signature 62A.8-105  
by-laws, notice 62A.8-402  
calls  
registered owners and pledges, liability 62A.8-207  
revoked 62A.8-203  
cancellation of contract, material change 62A.8-202  
certificated securities  
negotiable 62A.8-105  
certificates, fiduciaries indorsement 62A.8-402  
confirmation of sale, as a "writing" within the statute of frauds 62A.8-319  
conflict of law 62A.8-106  
contract of purchase, duty to transfer 62A.8-314

## UNIFORM COMMERCIAL CODE—Cont.

Investment securities (Article 8)—Cont.  
conversion, no conversion by good faith conduct 62A.8-318  
copies, notice of contents 62A.8-402  
creditors' rights 62A.8-317  
damages, overissue 62A.8-104  
defenses  
genuineness 62A.8-202  
staleness of security as notice 62A.8-203  
statute of frauds 62A.8-319  
definitions 62A.8-102  
delivery  
delivery without indorsement, effect of, right to compel indorsement 62A.8-307  
duty to transfer, when completed 62A.8-314  
effect of indorsement without delivery 62A.8-309  
good faith conduct by agent or bailee 62A.8-318  
indorsement without delivery, effect 62A.8-307  
no conversion by good faith conduct 62A.8-318  
statute of frauds 62A.8-319  
without indorsement 62A.8-309  
effect 62A.8-307  
demand, proof of authority to transfer 62A.8-316  
destroyed securities 62A.8-405  
duty as to adverse claim 62A.8-403  
duty of authenticating trustee, transfer agent or registrar 62A.8-406  
fraud  
alteration 62A.8-206  
fungible bulk, interest held by broker, rights of purchaser 62A.8-313  
genuineness  
defenses 62A.8-202  
signatures, burden of proof 62A.8-105  
warranties 62A.8-208, 62A.8-306  
good faith  
delivery, agent or bailee 62A.8-318  
transfer agents and registrars, duties 62A.8-406  
government, issuance, responsibilities 62A.8-202  
guarantee of the signatures 62A.8-402  
holder, warranties of 62A.8-306  
indemnification  
lost or destroyed securities, bond of claimant 62A.8-405  
registrar, bond of adverse claimant 62A.8-403  
indenture, copy, notice affecting transfer 62A.8-402  
indorsements  
admitted 62A.8-105  
adverse claims 62A.8-304  
assurance that indorsements or instruction are effective, issuer may require 62A.8-402  
bearer form, indorsement of in 62A.8-310  
blank  
transfer 62A.8-309  
delivery without indorsement, effect of, right to compel indorsement 62A.8-307  
effect of indorsement without delivery 62A.8-309  
guaranteeing signature or indorsement or instruction, effect of 62A.8-312  
instructions 62A.8-308  
registration of transfer 62A.8-402  
right to compel indorsement 62A.8-307  
special  
transfer 62A.8-309

**UNIFORM COMMERCIAL CODE**

**UNIFORM COMMERCIAL CODE—Cont.**

Investment securities (Article 8)—Cont.  
 indorsements—Cont.  
     unauthorized  
         effect of 62A.8-311  
         warranties 62A.8-312  
         without delivery, effect 62A.8-309  
 in junctions, transfer 62A.8-315  
 issuer  
     assurance that indorsements are effective 62A.8-402  
     defenses of and responsibilities of 62A.8-202  
     defined 62A.8-201  
     duty as to adverse claim 62A.8-403  
     duty of issuer to register transfer, pledge, or release 62A.8-401  
     indorsements or instruction, assurance requirement 62A.8-402  
     liability and nonliability for registration 62A.8-404  
     lien 62A.8-103  
     lost, destroyed or stolen securities, duties 62A.8-405  
     notice of defect or defense 62A.8-202  
         staleness as 62A.8-203  
     registration  
         duties 62A.8-401  
         liabilities 62A.8-404  
         transfer 62A.8-106  
     responsibility of, defenses of 62A.8-202  
     restrictions on transfer, effect of 62A.8-204  
     rights and duties of with respect to registered owners and pledges 62A.8-207  
     staleness as notice of defects or defenses 62A.8-203  
 issuer's lien 62A.8-103  
 laches  
     redemption or exchange 62A.8-305  
     staleness as notice of defects or defenses 62A.8-203  
 law applicable 62A.8-106  
 liability and nonliability for registration 62A.8-404  
 lien, issuer 62A.8-103  
 limited interest purchaser 62A.8-301  
 lost securities 62A.8-405  
 notice  
     defects or defenses, staleness as notice 62A.8-203  
     notice of defect or defense, issuer's responsibility and defenses 62A.8-202  
     purchaser of adverse claims, notice of 62A.8-304  
     staleness as notice of adverse claims 62A.8-305  
 overissue, defined, effect of 62A.8-104  
 owner, unauthorized indorsements or instruction, right 62A.8-311  
 pleadings, statute of frauds 62A.8-319  
 pledge, release, or transfer of investment security within a central depository system 62A.8-320  
 pledges, warranties 62A.8-306  
 presentment for registration of transfer, warranties 62A.8-306  
 presumptions 62A.8-105  
 purchaser  
     action against transferee based upon wrongful transfer 62A.8-315  
     compelling indorsement 62A.8-307  
     notice  
         staleness as notice of adverse claims 62A.8-305  
         to purchaser of adverse claims 62A.8-304, 62A.8-313  
     purchaser's right to requisite for registration of transfer, pledge, or release on books 62A.8-316

**UNIFORM COMMERCIAL CODE—Cont.**

Investment securities (Article 8)—Cont.  
 purchaser—Cont.  
     registration requisites, right to 62A.8-316  
     rights acquired by purchaser 62A.8-301  
     staleness as notice of adverse claims 62A.8-305  
     transfer 62A.8-313  
         when transfer occurs 62A.8-313  
 registered owners and pledges, rights and duties of issuer with respect to 62A.8-207  
 registrar  
     duty of in registration of transfers 62A.8-406  
     effect of signature of authenticating trustee, registrar or transfer agent 62A.8-208  
     registration of transfer 62A.8-406  
     unauthorized signature 62A.8-205  
     warranties 62A.8-208  
 registration of pledge and release of uncertificated securities 62A.8-108  
 registration of transfer  
     adverse claims, issuers duty 62A.8-403  
     agents 62A.8-406  
     assurance that indorsements or instruction are effective 62A.8-402  
     destroyed instruments 62A.8-405  
     duty of authenticating trustee, transfer agent or registrar 62A.8-406  
     duty of issuer to register transfer, pledge, or release 62A.8-401  
     indorsement or instruction, assurance 62A.8-402  
     issuer, applicable law, conflict of law rules 62A.8-106  
     issuers duty as to adverse claim 62A.8-403  
     liability and nonliability for registration 62A.8-404  
     lost instruments 62A.8-405  
     presentment, warranties 62A.8-306  
     purchaser's rights to requisites of 62A.8-316  
     registered owners and pledges, rights and duties 62A.8-207  
     requisites for, purchaser's right to 62A.8-316  
     requisites of 62A.8-316  
     stolen instruments 62A.8-405  
     transfer agent 62A.8-406  
     unauthorized indorsement or instruction 62A.8-311  
 reissue, overissue 62A.8-104  
 restrictions on transfer 62A.8-204  
 rights and duties of issuer with respect to registered owners and pledges 62A.8-207  
 secured transactions, priorities 62A.9-309  
 security interests  
     enforceability, attachment, perfection, and termination 62A.8-321  
 signature of indorser, warranties 62A.8-312  
 signatures  
     admitted 62A.8-105  
     burden of proof 62A.8-105  
     effect of signature of authenticating trustee, registrar or transfer agent 62A.8-208  
     effect of unauthorized signature on issue 62A.8-205  
     indorser, warranties 62A.8-312  
     registrar 62A.8-205  
     transfer agent, effect of signature of 62A.8-208  
     trustees 62A.8-205  
     unauthorized signature 62A.8-205  
     warranties 62A.8-208, 62A.8-312

**UNIFORM COMMERCIAL CODE**

**UNIFORM COMMERCIAL CODE—Cont.**

Investment securities (Article 8)—Cont.  
 special indorsement 62A.8-308  
     transfer 62A.8-309  
 specific performance, right to 62A.8-315  
 staleness as notice of defects or defenses 62A.8-203  
 statute of frauds, application to 62A.8-319  
 stolen securities, registration of transfer 62A.8-405  
 taxes, compliance with law, registration of transfer, pledge, or release 62A.8-401  
 title acquired by bona fide purchaser 62A.8-301  
 transfer, release, or pledge of security within a central depository system 62A.8-320  
 transfer  
     action for possession 62A.8-315  
     action for price 62A.8-107  
     blank indorsement 62A.8-309  
     effect of issuer's restrictions on 62A.8-204  
     form 62A.8-107  
     injunction to prevent 62A.8-315  
     proof of authority 62A.8-316  
     purchaser 62A.8-313  
     registration of, purchaser's right to requisites for 62A.8-316  
     restriction 62A.8-204  
     rights acquired 62A.8-301  
     special indorsement 62A.8-309  
     when completed 62A.8-314  
     when delivery to the purchaser occurs 62A.8-313  
     without indorsement 62A.8-307  
     wrongful transfer, action against transferee based upon 62A.8-315  
 transfer agents  
     duty of in registration of transfers 62A.8-406  
     registration of transfer 62A.8-406  
     unauthorized signature 62A.8-205  
     warranties 62A.8-208  
 unauthorized indorsement  
     transfer, action for possession 62A.8-315  
 unauthorized indorsement or instruction owner, rights of 62A.8-311  
 unauthorized signatures 62A.8-205  
 warranties 62A.8-306  
     indorsements 62A.8-312  
     presentment for registration of transfer 62A.8-306  
     registrar 62A.8-208  
     signature of indorser 62A.8-312  
     transfer agent or trustees 62A.8-208  
     wills, copy as notice affecting transfers 62A.8-402  
 Joint or common interest, organization, defined to include 62A.1-201  
 Knowledge, defined 62A.1-201  
 Letters of credit (Article 5)  
     conditional payment 62A.5-114  
     forgery 62A.5-114  
     fraud 62A.5-114  
     honor  
         issuer's duty and privilege to 62A.5-114  
         injunction, issuer's duty to honor 62A.5-114  
     issuer  
         duty and privilege to honor 62A.5-114  
         reimbursement 62A.5-114  
     nonconformance to warranties 62A.5-114  
     reimbursement  
         issuer 62A.5-114  
     warranties  
         nonconformance 62A.5-114  
 Liens  
     investment securities  
         issuer's lien 62A.8-103  
         issuer's lien 62A.8-103  
     Money, defined 62A.1-201

## UNIFORM COMMERCIAL CODE

### UNIFORM COMMERCIAL CODE—Cont.

Mortgages  
 purchase, definition 62A.1-201

Notice  
 defined 62A.1-201  
 how given 62A.1-201  
 how received 62A.1-201  
 time effective 62A.1-201

Notify, defined 62A.1-201

Organization, defined 62A.1-201

Parties, aggrieved parties, definition 62A.1-201

Partnership, organization, definition includes 62A.1-201

Party  
 aggrieved party, definition 62A.1-201  
 defined 62A.1-201

Pawnbrokers, buyer in the ordinary course of business, definition 62A.1-201

Person, defined 62A.1-201

Pledges  
 purchase, definition 62A.1-201

Presumptions  
 defined 62A.1-201  
 investment securities, signature, genuineness 62A.8-105  
 signature  
 investment securities, genuineness 62A.8-105

Purchase, defined 62A.1-201

Purchaser  
 defined 62A.1-201

Radio, included by definition in "telegram" 62A.1-201

Receivers, creditors, definition 62A.1-201

Receives notice, defined 62A.1-201

Recoupment, actions, definition 62A.1-201

Remedies  
 defined 62A.1-201

Representative, defined 62A.1-201

Reservation, title, consignment or lease of security interest 62A.1-201

Right, definition 62A.1-201

Secured transactions  
 livestock or meat products 62A.9-204

Secured transactions; sales of accounts, contract rights and chattel paper (Article 9)  
 account  
 after acquired property, attachment of interest 62A.9-204  
 assignment, financing statement, filing 62A.9-302  
 jurisdiction 62A.9-103  
 account debtor, defined 62A.9-105  
 advances  
 future advances 62A.9-204  
 after-acquired collateral  
 attachment of interest 62A.9-204  
 agricultural products  
 after acquired property, attachment of security interest, time 62A.9-204  
 conflicting interest, priorities 62A.9-312  
 priority, rules of 62A.9-312  
 security interest, enforcement 62A.9-203  
 aircraft, application of Article 62A.9-103  
 application of Article 9 (Secured transactions)  
 accounts 62A.9-103  
 conditional sales 62A.9-203  
 contract rights 62A.9-103  
 equipment relating to another jurisdiction 62A.9-103  
 general intangibles 62A.9-103  
 incoming goods already subject to a security interest 62A.9-103  
 assignment  
 accounts or contract rights 62A.9-302  
 attachment of security interest  
 time 62A.9-204

### UNIFORM COMMERCIAL CODE—Cont.

Secured transactions; sales of accounts, contract rights and chattel paper (Article 9)—Cont.  
 bona fide purchasers  
 rights of 62A.9-309  
 certificate of title  
 condition of perfection 62A.9-103  
 filing requirements 62A.9-302  
 chattel papers  
 defined 62A.9-105  
 check, defined 62A.9-105  
 collateral  
 after-acquired property 62A.9-204  
 defined 62A.9-105  
 possession, perfecting interest without filing 62A.9-305  
 possession by secured party  
 financing statement, filing 62A.9-302  
 priorities among conflicting security interests in 62A.9-312  
 proceeds 62A.9-203  
 collecting bank  
 enforcement and attachment of interest 62A.9-203  
 priorities 62A.9-312  
 conflict of laws 62A.9-103  
 conflict with Title 31, effect of 62A.9-203  
 construction machinery, security interest, validity and perfection 62A.9-103  
 consumer goods  
 attachment of interest 62A.9-204  
 purchase money security interest 62A.9-302  
 continuing interest 62A.9-305  
 contract for sale, defined 62A.9-105  
 contract right  
 jurisdiction, rights relating to another jurisdiction 62A.9-103  
 creation of lien by operation of law, priority 62A.9-310  
 crops  
 after acquired property, attachment of interest, time 62A.9-204  
 crops growing or to be grown 62A.9-203  
 debtor  
 defined 62A.9-105  
 definitions 62A.9-105  
 deposit account, defined 62A.9-105  
 descriptions  
 proceeds 62A.9-203  
 document, defined 62A.9-105  
 enforcement and attachment of security interest 62A.9-203  
 farm equipment  
 perfection of security interest 62A.9-302  
 filing  
 exclusions enumerated 62A.9-302  
 fees for filing  
 items excepted from application of Part 4, this Article 62A.9-302  
 form  
 prescribed by the department of licensing 62A.9-409  
 governing law 62A.9-103  
 perfecting interest 62A.9-302, 62A.9-304  
 permissive filing 62A.9-304  
 security interests, exclusions from application of Part 4 of this Article enumerated 62A.9-302  
 temporary perfection of security interest without filing or transfer of possession 62A.9-304  
 when filing required to perfect security interests 62A.9-302  
 when possession by secured party perfects security interest without filing 62A.9-305  
 financing statement  
 perfection of security interest 62A.9-302

## UNIFORM COMMERCIAL CODE

### UNIFORM COMMERCIAL CODE—Cont.

Secured transactions; sales of accounts, contract rights and chattel paper (Article 9)—Cont.  
 fish, attachment of interest 62A.9-204  
 fixtures  
 financing statement, filing 62A.9-302  
 future advancements 62A.9-204  
 gas, oil or minerals  
 after acquired property, attachment of interest 62A.9-204  
 description in security agreement 62A.9-203  
 goods  
 defined 62A.9-105  
 harvesting equipment 62A.9-103  
 holder, documents of title, rights 62A.9-309  
 holder in due course  
 defined 62A.9-105  
 rights 62A.9-309  
 instrument  
 defined 62A.9-105  
 filing 62A.9-304  
 protection of purchasers 62A.9-309  
 security interest, perfection 62A.9-305  
 intangibles  
 perfection, law governing 62A.9-103  
 inventory  
 purchase money security interest, priorities 62A.9-312  
 jurisdiction 62A.9-103  
 liens  
 priority of certain liens arising by operation of law 62A.9-310  
 minerals, security interest, enforceability 62A.9-203  
 mortgages, security interest, attachment, after-acquired property 62A.9-204  
 note, defined 62A.9-105  
 oil  
 attachment of interest, time 62A.9-204  
 security interest, attachment and enforcement 62A.9-203  
 operation of law, creation of lien by, priority 62A.9-310  
 perfecting interest 62A.9-103  
 filing 62A.9-302, 62A.9-304  
 instruments, documents and document-covered goods 62A.9-304  
 permissive filing 62A.9-304  
 possession of collateral 62A.9-305  
 perfection of security interests in multiple state transactions 62A.9-103  
 possession  
 perfecting interest 62A.9-305  
 priorities 62A.9-309, 62A.9-312  
 conflicting security interests in the same collateral 62A.9-312  
 liens arising by operation of law 62A.9-310  
 mechanics liens 62A.9-310  
 purchase money security 62A.9-312  
 protection of purchasers of instruments and documents 62A.9-309  
 purchase money security interest  
 priorities 62A.9-312  
 railroads, rolling stock  
 application of Article 62A.9-103  
 road building equipment, security interest, perfection, place 62A.9-103  
 rolling stock, security interest, perfection, place 62A.9-103  
 sales  
 conditional sales 62A.9-203  
 definition 62A.9-105  
 enforcement of interest 62A.9-203  
 secured party  
 defined 62A.9-105  
 when possession by perfects security interest without filing 62A.9-305



## UNIFORM COMMERCIAL CODE

**UNIFORM COMMERCIAL CODE—Cont.**  
Secured transactions; sales of accounts, contract rights and chattel paper (Article 9)—Cont.  
security agreement 62A.9–203  
defined 62A.9–105  
security interest  
after acquired property, when security interest attaches 62A.9–204  
after-acquired property 62A.9–204  
enforceability of, proceeds, formal requisites 62A.9–203  
filing  
security interest to which Article 9 does not apply 62A.9–302  
when required to perfect 62A.9–302  
formal requisites of 62A.9–203  
future advances, when security interest attaches 62A.9–204  
perfection  
by permissive filing 62A.9–304  
in instruments, documents and goods covered by documents 62A.9–304  
priorities along conflicting security interests in the same collateral 62A.9–312  
proceeds of enforcement of 62A.9–203  
protection  
of purchasers of instruments and documents 62A.9–309  
temporary perfection without filing or transfer of possession 62A.9–304  
when possession by secured party perfects security interest without filing 62A.9–305  
small loans act 62A.9–203  
temporary perfection of interest without filing 62A.9–304  
timber, attachment of interest 62A.9–204  
validity  
interest 62A.9–103  
Security interest  
defined 62A.1–201  
machinery, security interest, perfection 62A.9–103  
mechanic's liens  
priority 62A.9–310  
minerals, after acquired property, attachment of interest, time 62A.9–204  
Send, defined 62A.1–201  
Set-off and counter claim  
action, included in term 62A.1–201  
definition 62A.1–201  
Signature  
unauthorized, defined 62A.1–201  
Signed, defined 62A.1–201  
Statute of frauds  
investment securities  
application to 62A.8–319  
Surety, defined 62A.1–201  
Telegram  
defined 62A.1–201  
includes radio, etc. 62A.1–201  
Teletype, included by definition in "telegram" 62A.1–201  
Term, terms  
defined 62A.1–201  
Third parties  
party distinct from 62A.1–201  
Time  
notice of knowledge, effective time 62A.1–201  
Title  
document of, defined 62A.1–201  
Trusts and trustees  
bankruptcy, creditor as including 62A.1–201  
organization as including trust 62A.1–201  
Unauthorized  
defined 62A.1–201

**UNIFORM COMMERCIAL CODE—Cont.**  
Unauthorized—Cont.  
signature or indorsement, defined 62A.1–201  
Value, defined 62A.1–201  
Warehouse receipts, bills of lading and other documents of title (Article 7)  
bills of lading  
defined 62A.1–201  
definition 62A.1–201  
document of title, defined 62A.1–201  
nonreceipt, liability 62A.7–301  
warehouse receipts  
defined 62A.1–201  
definition 62A.1–201  
document of title, defined 62A.1–201  
Warranties  
investment securities  
brokers 62A.8–306  
indorsements 62A.8–312  
presentation for registration of transfer 62A.8–306  
registrar 62A.8–208  
signature of indorser 62A.8–312  
transfer agent 62A.8–208  
trustees 62A.8–208  
letters of credit  
nonconformance 62A.5–114  
Wellhead, minehead, sales of minerals, defined 62A.1–201  
Writing, defined 62A.1–201  
Written, defined 62A.1–201

## UNIFORM DISCIPLINARY ACT— HEALTH SERVICES

Appeals 18.130.130  
Application of chapter 18.130.040  
Capacity of license holder to practice  
hearing 18.130.170  
physical or mental examination 18.130.170  
Chiropractic disciplinary board 18.26.028  
Chiropractors 18.25.019  
Complaints  
immunity of complainant 18.130.080  
Crime by a license holder  
procedure, notify law enforcement authorities 18.130.210  
Definitions 18.130.020  
Dental disciplinary board 18.32.039  
Dental hygienist 18.29.076  
Disciplinary authorities  
capacity of a license holder to practice 18.130.170  
crime by a license holder, procedure, notify law enforcement authorities 18.130.210  
investigation of practice without a license 18.130.190  
reports to concerning licensee violations 18.130.070  
rule adoption 18.130.070  
unprofessional conduct  
complaints of  
appeals 18.130.130  
findings of fact, order, report 18.130.130  
hearings 18.130.090  
investigations 18.130.080  
orders 18.130.130  
statement of charge 18.130.090  
defined 18.130.180  
finding of 18.130.160  
immunity of complainant 18.130.080  
Veterinarians 18.92.046

## UNIVERSITY OF WASHINGTON

**U.D.A.—HEALTH SERVICES—Cont.**  
Hearings—Cont.  
procedure 18.130.090  
request 18.130.090  
Injunctive relief for unprofessional conduct or health reasons 18.130.185  
Intent 18.130.010  
Investigations  
practice without a license 18.130.190  
unprofessional conduct  
complaints of 18.130.080  
immunity of complainant 18.130.080  
Licenses  
denial, revocation, suspension 18.130.160, 18.130.170  
fraud or misrepresentation in obtaining 18.130.200  
practice without 18.130.190  
Massage operators and businesses 18.108.076  
Midwifery 18.50.126  
Nurses  
practical nurses 18.78.054  
registered nurses 18.88.086  
Occupational therapy 18.59.141  
Ocularists 18.55.066  
Optometry 18.53.101, 18.54.076  
Orders 18.130.130  
Osteopathic physician's assistants 18.57A.025  
Osteopathy and surgery 18.57.011  
Physical therapy 18.74.029  
Physician's assistants 18.71A.025  
Physicians and surgeons, board of medical examiners 18.71.019  
Physicians and surgeons, medical disciplinary board 18.72.154  
Podiatry 18.22.018  
Practice without a license 18.130.190  
Reports 18.130.130  
Unprofessional conduct  
complaints of  
appeals 18.130.130  
findings of fact, order, report 18.130.130  
hearings  
procedure 18.130.090  
request 18.130.090  
investigations 18.130.080  
orders 18.130.130  
statement of charge 18.130.090  
defined 18.130.180  
finding of 18.130.160  
immunity of complainant 18.130.080  
Veterinarians 18.92.046

## UNIFORM LAWS

Uniform estate tax apportionment act Ch. 83.110

## UNITED STATES

History, schools to teach 28A.05.010  
Intercounty incorporation  
authority to deal with 35.02.250  
utility services 35.02.250

## UNIVERSITY OF WASHINGTON

Courses, studies and instruction  
education courses approved by state board of education 28A.04.120  
Education courses approved by state board of education 28A.04.120  
Entrance requirements relative to teacher, school administrator, or school specialized personnel certification, state board of education, investigation by 28A.04.120  
Fees  
tuition  
defined 28B.15.020  
reflect instructional cost 28B.15.067

**UNIVERSITY OF WASHINGTON—Cont.**

Forensic pathology fellowship program  
28B.20.426  
death investigations account disbursements  
43.79.445  
Forest resources college  
dean, member of board of natural resources  
43.30.040  
Liquor revolving fund, medical and biological  
research, use for 66.08.180  
Medical school  
state toxicological laboratories 68.08.107  
Program of courses leading to teacher, school  
administrator, or school specialized person-  
nel certification approved by state board of  
education 28A.04.120  
Tuition fees  
reflect instructional cost 28B.15.067

**URBAN TRANSPORTATION SYSTEMS**

State ferries  
holding areas for patrons joint use of munic-  
ipal off-street parking facilities  
47.60.550

**USED CARS (See MOTOR VEHICLES,  
subtitle Used vehicles—sale)****UTILITIES**

Billing  
budget billing or equal payment plan 35.21-  
.300, 80.28.010  
Intercounty incorporation dealings with United  
States 35.02.250  
Low-income energy assistance  
termination of utility heating service  
city-owned utility 35.21.300  
limitation 54.16.285, 80.28.010  
report to legislature 54.16.286, 80.28.011  
Termination of utility heating service  
city procedure 35.21.300  
limitations 35.21.300, 54.16.285, 80.28.010  
report to legislature 54.16.286, 80.28.011

**UTILITIES AND TRANSPORTATION  
COMMISSION**

Business subject to regulation, determination  
by commission 80.04.015  
Contracts, utility services, intercounty incorpo-  
ration 35.02.250  
Energy facility site evaluation council, mem-  
bership 80.50.030  
Fire hydrants  
water companies may be required to main-  
tain 80.28.250  
Radioactive or hazardous materials  
liability requirements  
commission to notify state control agency  
of coverage change 81.80.190

**VACANCIES IN OFFICE**

Legislative vacancies, multi-county districts  
42.12.050, 42.12.060  
Liquor control board 66.08.014

**VAGRANCY**

First class cities, providing for punishment of  
35.22.280

**VEHICLE**

Defined, for Washington Criminal Code  
9A.04.110

**VENDING MACHINES**

Retail sales tax, selling price based on percent-  
age of gross receipts 82.08.080  
Sales tax collection 82.08.050

**VENDORS AND VENDEES**

Intoxicating liquor  
appointment in cities and towns 66.08.050

**VENUE**

Actions against state 4.92.010  
Change of  
actions against state 4.92.010  
State  
actions against state 4.92.010

**VERDICTS**

Deadly weapon, special verdict as to whether  
accused armed with 9.95.015  
Deliberation by jury, legal holidays, instruc-  
tions requested on 2.28.100  
Legal holidays, received on 2.28.100

**VERIFICATIONS**

Tort claims against  
state 4.92.100

**VETERANS**

State parks passes 43.51.055  
Veterans affairs, department of  
director  
appointment of 43.17.020

**VETERANS AFFAIRS, DEPARTMENT OF**

Donations and gifts, acceptance, deposit  
43.61.060  
Health care purchased by state agencies  
alternative health care providers, agencies to  
identify 70.14.020  
drug purchasing cost controls, drug  
formularies 70.14.050  
health care information systems, agencies to  
establish 70.14.010  
review of prospective rate setting methods  
70.14.040  
utilization review procedures, agencies to es-  
tablish plan 70.14.030

**VETERINARIANS**

Animal technician  
employment of, requirements 18.92.125  
Applications for licenses  
eligibility to take examination 18.92.070  
procedure 18.92.070  
qualifications of applicant 18.92.070  
temporary permit 18.92.120  
Examinations  
eligibility to take 18.92.070  
Uniform disciplinary act 18.92.046  
Veterinary board of governors  
duties 18.92.030

**VICTIM**

Sentencing hearing  
victim and survivors of victims, participation  
9.94A.110  
Victim impact statement  
sentencing hearing 9.94A.110

**VICTIMS, SURVIVORS, AND WITNESSES  
OF CRIMES**

Abuse  
victim to be notified of reports 26.44.030

**VICTIMS OF CRIMES—COMPENSATION,  
ASSISTANCE**

Benefits  
applications for  
how filed 7.68.060  
time limitation 7.68.060  
emergency transportation 7.68.080

**VICTIMS OF CRIME—COMP.—Cont.**

Benefits—Cont.  
medical aid 7.68.080  
Department of labor and industries  
review of claims accrued prior to effective  
date 7.68.160  
Effective date  
claims of persons injured prior to 7.68.160  
Inmate work programs  
wages, portion to crime victims' compensa-  
tion account 72.09.110  
Juvenile offenses  
restitution 13.40.190  
Limitation on time to apply for benefits  
7.68.060  
Medical aid 7.68.080  
Profits from crime publicity  
persons not guilty on mental grounds  
deemed a convicted person 7.68.250

**VOCATIONAL EDUCATION**

Commission  
functions 28C.04.040  
private vocational schools, powers and duties  
28C.10.040–28C.10.100, 28C.10.120,  
28C.10.130, 28C.10.160, 28C.10.200  
Job skills program  
duties 28C.04.040  
State plan  
duties 28C.04.040  
Vocational rehabilitation and services to the  
handicapped  
sheltered employment program  
authority of state agency 74.29.080

**VOLUNTEER FIREMEN'S RELIEF AND  
PENSIONS**

Contributions by fireman and municipal corpo-  
ration 41.24.030  
Death benefits 41.24.160  
Disability payments 41.24.150  
Funeral expenses 41.24.230  
Investments of relief and pension fund permit-  
ted 41.24.030  
Lump sum payments  
death benefits 41.24.160  
disability payments 41.24.150  
Relief and pension fund  
contributions by fireman and municipal corpo-  
ration 41.24.030  
created 41.24.030  
fire insurance premium tax, payment in to  
41.24.030  
how constituted 41.24.030  
investments permitted 41.24.030

**VOLUNTEERS**

State  
attorney general to provide defense 4.92-  
.060, 4.92.070

**VULNERABLE ADULTS, PROTECTION  
OF (See DEPENDENT ADULTS, subti-  
tle Protection of)****WAGES**

Assignment  
child support 26.09.135, 26.21.125,  
26.26.132  
Child support  
mandatory wage assignment 26.09.135, 26-  
.21.125, 26.26.132  
Prevailing rate  
hearing, remedies, penalties 39.12.065  
investigation of complaints 39.12.065

**WAHKIAKUM COUNTY**

Superior court judges, number of 2.08.065

## WARDS

### WARDS

- Cities and towns
  - second class cities, division of city into 35.24.290
  - third class cities, division of city into 35.24.290

### WAREHOUSES

- Cold storage, business and occupation tax 82.04.280
- Grain dealer license
  - fees, penalties 22.09.055
- Storage of agricultural commodities
  - combustible stock, fruits and vegetables do not constitute 19.27.060
  - fees
    - licenses 22.09.050
  - fruits and vegetables excluded from meaning of combustible stock 19.27.060
  - licenses
    - fees 22.09.050
    - penalties, when 22.09.050
    - renewal fee 22.09.050

### WARRANTIES

- Investment securities, warranties on presentment and transfer 62A.8-306

### WARRANTS

- Drainage districts
  - presentment for indorsement 85.06.330
- State warrants
  - authentication and certification by agency head 43.88.160
  - cancellation for nonpresentment 43.08.062
  - forms for prescribed by director of office of financial management 43.88.160
  - issuance of new warrant when old cancelled 43.08.062
  - responsibility for recovery of erroneous payments 43.88.160
- Unemployment compensation
  - employer contribution assessments 50.24.115

### WASHINGTON CRIMINAL CODE

- Acted, defined 9A.04.110
- Actor, defined 9A.04.110
- "Appropriate lost or misdelivered property or services", defined for theft and robbery 9A.56.010
- Arrest
  - homicide, by public officer, justifiable when 9A.16.040
- Arson
  - limitation of action 9A.04.080
- Assault
  - first degree 9A.36.011
  - fourth degree 9A.36.041
  - second degree 9A.36.021
  - third degree 9A.36.031
    - class C felony 9A.36.030
    - defined, elements 9A.36.030
- Benefit, defined 9A.04.110
- Bigamy
  - class C felony 9A.64.010
  - defenses to prosecution 9A.64.010
  - defined 9A.64.010
- Bodily injury, defined 9A.04.110
- "By color or aid of deception", defined for theft and robbery 9A.56.010
- Children
  - crimes related to
    - sexual contact with 9A.44.100
    - use of force 9A.16.100
  - sexual contact with 9A.44.100
- Credit card
  - defined for theft and robbery 9A.56.010

### WASHINGTON CRIMINAL CODE—Cont.

- Crimes
  - assault
    - third degree 9A.36.030
  - bigamy 9A.64.010
  - indecent liberties 9A.44.100
  - limitation of actions 9A.04.080
  - theft of livestock 9A.56.080
- Crimes punishable by imprisonment in state correctional institutions
  - limitation of actions 9A.04.080
- Criminal justice information act, See CRIMINAL JUSTICE INFORMATION ACT
- Criminal mistreatment of children or dependent person
  - first degree 9A.42.020
  - second degree 9A.42.030
- Criminal mistreatment of children or dependent persons
  - defense, financial inability 9A.42.050
  - defined 9A.42.010
  - withdrawal of life support systems not applicable to chapter 9A.42.040
- Criminal trespass
  - defenses 9A.52.090
- Deadly force
  - defined 9A.16.010
  - justifiable, when 9A.16.040
- Deadly weapons
  - defined 9A.04.110
- "Deception", defined for theft and robbery 9A.56.010, 9A.56.010
- Defenses
  - bigamy 9A.64.010
  - criminal trespass 9A.52.090
  - force, use of, when lawful 9A.16.020
  - justifiable homicide by public officer 9A.16.040
  - necessary, defined 9A.16.010
- Definitions
  - generally 9A.04.110
- Deprive, defined for theft and robbery 9A.56.010
- Dwelling, defined 9A.04.110
- Exerts unauthorized control, defined for theft and robbery 9A.56.010
- Family offenses
  - bigamy 9A.64.010, 9A.64.010
- Force
  - sexual contact, caused by 9A.44.100
  - use of, when lawful 9A.16.020
- Government, defined 9A.04.110
- Governmental function, defined 9A.04.110
- Great bodily harm
  - defined 9A.04.110
- Gross misdemeanor
  - limitation of actions 9A.04.080
- He, defined 9A.04.110
- Indecent liberties
  - class B felony 9A.44.100
  - defined, elements 9A.44.100
  - limitation of actions 9A.04.080
  - "sexual contact", defined 9A.44.100
- Indicted, defined for Washington Criminal Code 9A.04.110
- Indictment, defined for Washington Criminal Code 9A.04.110
- Information, defined for Washington Criminal Code 9A.04.110
- Informed against, defined for Washington Criminal Code 9A.04.110
- Judge, defined 9A.04.110
- Justifiable homicide
  - committed by public officer 9A.16.040
- Leading organized crime
  - limitation of actions 9A.04.080
- Limitation of actions 9A.04.080
- arson 9A.04.080
- crimes, generally 9A.04.080

## WASHINGTON CRIMINAL CODE

### WASHINGTON CRIMINAL CODE—Cont.

- Limitation of actions—Cont.
  - crimes punishable by imprisonment in state correctional institutions 9A.04.080
  - gross misdemeanor 9A.04.080
  - indecent liberties, children, minors 9A.04.080
  - leading organized crime 9A.04.080
  - murder 9A.04.080
  - public officers, official duties 9A.04.080
  - racketeering 9A.04.080
  - statutory rape, first degree, second degree 9A.04.080
  - tolling of 9A.04.080
- Livestock
  - theft of
    - defined 9A.56.080
- Malice, defined for Washington Criminal Code 9A.04.110
- Maliciously, defined 9A.04.110
- Mentally incapacitated persons
  - sexual contact with 9A.44.100
- Minors
  - crimes related to
    - sexual contact with 9A.44.100
    - sexual contact with 9A.44.100
- Murder
  - limitation of action 9A.04.080
- Obtain control over, defined for theft and robbery 9A.56.010
- Officer, defined 9A.04.110
- Omission, defined 9A.04.110
- Owner, defined for theft and robbery 9A.56.010
- Peace officer
  - defined 9A.04.110
- Pecuniary benefit, defined 9A.04.110
- Person, defined 9A.04.110
- Physical injury, defined 9A.04.110
- Place of work, defined 9A.04.110
- Prison, defined 9A.04.110
- Prisoner, defined 9A.04.110
- Profiteering
  - definitions 9A.82.010
- Property
  - defined 9A.04.110
- Public officer
  - defined 9A.04.110
  - homicide committed by, justifiable when 9A.16.040
  - official duties, limitation of actions 9A.04.080
- Public servant
  - defined 9A.04.110
- Racketeering
  - limitation of actions 9A.04.080
- Receive, defined for theft and robbery 9A.56.010
- Robbery
  - "appropriate lost or misdelivered property or services", defined 9A.56.010
  - "by color or aid of deception", defined 9A.56.010
  - credit card, defined 9A.56.010
  - deception, defined 9A.56.010
  - definitions 9A.56.010
  - "deprive", defined 9A.56.010
  - exerts unauthorized control, defined 9A.56.010
  - "obtain control over", defined 9A.56.010
  - owner, defined 9A.56.010
  - receive, defined 9A.56.010
  - services, defined 9A.56.010
  - stolen, defined 9A.56.010
  - value, defined 9A.56.010
  - wrongfully obtains, defined 9A.56.010
- Rules of construction
  - tense, gender, number 9A.04.110
- Services, defined for theft and robbery 9A.56.010

## WASHINGTON CRIMINAL CODE

### WASHINGTON CRIMINAL CODE—Cont.

Sexual contact, defined for crime of indecent liberties 9A.44.100

Shopping cart theft  
definitions 9A.56.010

Signature, defined 9A.04.110

Statute, defined 9A.04.110

Stolen, defined for theft and robbery  
9A.56.010

Substantial bodily harm  
defined 9A.04.110

### Theft

"appropriate lost or misdelivered property or services", defined 9A.56.010

"by color or aid of deception", defined  
9A.56.010

credit card, defined 9A.56.010

deception, defined 9A.56.010

definitions 9A.56.010

"deprive", defined 9A.56.010

exerts unauthorized control, defined  
9A.56.010

livestock

defined 9A.56.080

"obtain control over", defined 9A.56.010

owner, defined 9A.56.010

receive, defined 9A.56.010

services, defined 9A.56.010

shopping carts

definitions 9A.56.010

stolen, defined 9A.56.010

value, defined 9A.56.010

wrongfully obtains, defined 9A.56.010

### Threat

defined 9A.04.110

Value, defined for theft and robbery  
9A.56.010

Vehicle, defined 9A.04.110

Wrongfully obtains, defined for theft and robbery 9A.56.010

### WASHINGTON HOSPITAL COMMISSION

#### Rates

defined 70.39.020

### WASHINGTON LAND BANK (See AGRICULTURE AND MARKETING, subtitle Land bank)

### WASHINGTON MODEL TRAFFIC ORDINANCE

Obedience to and effect of traffic laws

state law, certain RCW sections adopted by reference 46.90.406

State law, certain RCW sections adopted by reference 46.90.300

### WASHINGTON PRODUCTS

Expansion of market, pamphlet 43.31.057

Trade information services 43.31.059

### WASHINGTON REPORTS

Purchase by supreme court from publisher for delivery to law library 40.04.110

### WASHINGTON STATE ASSOCIATION OF COUNTIES

Appraisers, employment and classification, plans for appraisers, adoption of 36.21.011

### WASHINGTON STATE DEATH INVESTIGATIONS COUNCIL (See DEATH, subtitle Death investigations council)

### WASHINGTON STATE DEVELOPMENT LOAN FUND COMMITTEE (See COMMUNITY DEVELOPMENT, DEPARTMENT OF, subtitle Washington state development loan fund committee)

### WASHINGTON STATE REGISTER

Attorney general's opinions, published in  
34.08.020

Contents

period of 34.08.020

Created

period of 34.08.020

Interest

highest rate permissible

publication in 19.52.025, 34.08.020

Juvenile disposition standards and security guidelines, published in 34.08.020

Publication of

deemed official notice 34.08.040

highest rate of interest permissible

19.52.025, 34.08.020

period of 34.08.020

Retail installment contract

interest rates, state treasurer to publish in register 63.14.135

Severability 34.08.910

### WASHINGTON STATE UNIVERSITY

Clarke-McNary fund 43.30.360

College of agriculture, dean of, member of board of natural resources 43.30.040

Cooperative farm forestry funds 43.30.370

Education courses approved by state board of education 28A.04.120

Entrance requirements

relative to teacher, school administrator, or school specialized personnel certification, state board of education, investigation by 28A.04.120

Farm forestry funds 43.30.370

Fees

tuition

defined 28B.15.020

reflect instructional cost 28B.15.067

Liquor revolving fund, research, use for  
66.08.180

Police school, state toxicological laboratories  
68.08.107

Program of courses leading to teacher, school administrator, or school specialized personnel certification approved by state board of education 28A.04.120

Tuition fees

reflect instructional cost 28B.15.067

Windbreaks, shelter belts, farm wood lots

Clarke-McNary funds available 43.30.360

### WASTE DISPOSAL FACILITIES

Hazardous waste disposal

PCB waste 70.105.105

standards and regulations, adoption of  
70.105.020

Hazardous waste management

local governments

grants available 70.105.235

pollution control hearings board to hear disputes 70.105.250

technical assistance from department  
70.105.255

local governments to

designate zones 70.105.225, 70.105.230

prepare local plans 70.105.220

treatment facilities

permits, rules 70.105.215

## WATER POLLUTION CONTROL

### WATER AND WATER PERMITS

Hydraulic permits

violations, civil penalties 75.20.106

### WATER AND WATER RIGHTS

Game fish

disturbing stream bed, abatement of nuisance 75.20.100

Hydraulic permits

approval of, not unreasonably withheld  
75.20.100

review period, scope

food fish, game fish 75.20.050

Irrigation or stock watering

hydraulic permit process 75.20.103

Surface waters

determination of rights

guardian ad litem for defendant  
90.03.150

### WATER COMPANIES

Fire hydrants

water companies may be required to maintain 80.28.250

Taxation, public utility excise tax 82.16.020

### WATER DISTRICTS

Annexation

funds may be expended to inform residents of proposal 57.24.200

Bids and bidding

service provider agreements, water quality, bid laws inapplicable 57.08.017

Commissioners

Districts, election from 57.12.039

Elections

times for holding 29.13.020

Fiscal matters

funds

maintenance or general fund

deposits and investments 57.20.160

Insurance

pools, liability insurance 48.62.040

Local improvement districts

resolution or petition to form 57.16.060

Service provider agreements, water quality,

bid laws inapplicable 57.08.017

Withdrawal of territory

district hearing 57.28.050

### WATER POLLUTION CONTROL

Facilities financing

bond issues Ch. 90.50

cigarette tax, additional, deposited in water quality account 82.24.027

components of facilities taxed 82.32.390

definitions 70.146.020

grants and loans

level not precedent 70.146.040

grants or loans

conditions 70.146.030

considerations 70.146.070

legislative intent 70.146.010

progress report to legislative 70.146.030

secondary treatment, compliance schedule  
70.146.050

tax receipts, water quality account

70.146.080

tobacco products tax, additional, deposited in water quality account 82.26.025

water quality account 70.146.030,

70.146.060

Service provider agreements

additional method 70.150.070

contents, funds 70.150.030

definitions 70.150.020

grants or loans, eligibility 70.150.060

legislative intent 70.150.010

**WATER POLLUTION CONTROL—Cont.**  
 Service provider agreements—Cont.  
     prevailing wages, public contract statutes 70.150.080  
     procedural requirements 70.150.040  
     sale, lease, or assignment of public property 70.150.050  
 Water quality account  
     cigarette tax, additional, deposited in 82.24.027  
     tobacco products tax, additional, deposited in 82.26.025

**WATER QUALITY**  
 Service provider agreements  
     additional method 70.150.070  
     bid requirements, cities and towns, inapplicable 35.94.050  
     bid requirements of cities and towns inapplicable 35.23.351  
     contents, funds 70.150.030  
     county lease statutes inapplicable 36.34.192  
     definitions 70.150.020  
     grants or loans, eligibility 70.150.060  
     legislative intent 70.150.010  
     prevailing wages, public contract statutes 70.150.080  
     procedural requirements 70.150.040  
     public utility district bid laws inapplicable 54.04.092  
     public works statute is inapplicable 39.04.175  
     sale, lease, or assignment of public property 70.150.050  
     sewer districts, bid laws inapplicable 56.08.092  
     water districts, bid laws inapplicable 57.08.017

**WATER RECREATION FACILITIES**  
 Civil penalties 70.90.200  
 Definitions 70.90.110  
 Enforcement 70.90.140  
 Fees 70.90.150  
 Hearing, notice 70.90.210  
 Insurance required 70.90.230  
 Legislative findings 70.90.100  
 Local health ordinances not affected 70.90.220  
 Modification or reconstruction of facility, procedure 70.90.160  
 Operating permit 70.90.170  
 Recreational water contact facility advisory committee 70.90.130, 70.90.902  
 Reporting of injury, disease, or death 70.90.190  
 Rules 70.90.120  
 State and local health jurisdictions, liability 70.90.180

**WATER WORKS AND SYSTEMS**  
 Electrical connections to water works piping, permission required 19.28.010

**WATERCRAFT AND SHIPPING**  
 Alcohol or drug use prohibited 88.02.095  
 Assessment by department of revenue certification to county assessors 84.40.065  
 Cities and towns  
     first class cities, regulations 35.22.280  
     second class cities  
         licensing of ferries 35.23.440  
         power to regulate 35.23.440  
     third class cities, regulation of 35.24.290  
 Duplicate certificates 88.02.075  
 Listing of taxable boats with department of revenue assessment 84.40.065  
 Negligent operation prohibited 88.02.095

**WATERCRAFT AND SHIPPING—Cont.**  
 Passengers, ejecting of, use of force, when lawful 9A.16.020  
 Pilotage  
     licenses 88.16.090, 88.16.100  
     mandatory rest periods for pilots, rules, refusal of assignment, when, report, penalty 88.16.103  
 pilot  
     mandatory rest period, rules 88.16.103  
     refusal of assignment, when, report, penalty 88.16.103  
 pilots license 88.16.090  
     annual fee 88.16.090  
     duration 88.16.090  
     examinations  
         oral 88.16.090  
         written 88.16.090  
     familiarization trips 88.16.090  
     fee, annual 88.16.090  
     physical examination 88.16.090  
     qualifications 88.16.090  
     reporting requirements 88.16.090  
     revocation of  
         procedure, judicial review 88.16.100  
     suspension of  
         procedure, judicial review 88.16.100  
     withholding of  
         procedure, judicial review 88.16.100  
 Public utility excise tax 82.16.020  
 Recreational passenger watercraft  
     alcohol prohibited 91.14.060  
     civil penalty 91.14.110  
     death or disappearance from, notice requirements 91.14.080  
     definitions 91.14.010  
     enforcement 91.14.100  
     federal law, supplement to 91.14.100  
     operation of 91.14.020  
     operators, first aid card required, exception 91.14.040  
     registration, liability insurance 91.14.090  
     regulated, purpose 91.14.005  
     rights of way 91.14.030  
     safety equipment 91.14.050  
     solo trips prohibited 91.14.060  
     whitewater river sections designated 91.14.070  
 Replacement decals 88.02.075  
 Taxation, public utility excise tax 82.16.020  
 Uniform commercial code, secured transactions 62A.9–302

**WEAPONS**  
 Special verdict to establish if accused armed with deadly weapon 9.95.015

**WEATHER**  
 Emergency information telephone services accessibility from all phones 43.17.230

**WEEDS**  
 Seed law—1969 act  
     "restricted (secondary) noxious weed seeds", defined 15.49.120

**WEIGHTS AND MEASURES**  
 Butter, sold by weight in units  
     first class cities, regulating in markets 35.22.280  
     second class cities, regulation of 35.23.440

**WESTERN STATE HOSPITAL**  
 Sexual offender treatment programs legislative intent 9.94A.123

**WESTERN WASHINGTON UNIVERSITY**  
 Off-campus facilities, lease or purchase higher education coordinating board to approve 28B.10.020

**WHITewater RAFTING**  
 Recreational passenger watercraft  
     alcohol prohibited 91.14.060  
     civil penalty 91.14.110  
     death or disappearance from, notice requirements 91.14.080  
     definitions 91.14.010  
     enforcement 91.14.100  
     federal law, supplement to 91.14.100  
     operation of 91.14.020  
     operators, first aid card required, exception 91.14.040  
     registration, liability insurance 91.14.090  
     regulated, purpose 91.14.005  
     rights of way 91.14.030  
     safety equipment 91.14.050  
     solo trips prohibited 91.14.060  
     whitewater river sections designated 91.14.070  
 Whitewater river sections designated 91.14.070

**WINES AND WINERIES**  
 Licenses  
     class P  
         wine retailers license 66.24.550  
     grower's license  
         fee 66.24.520  
     manufacturers  
         grower's license, fee 66.24.520

**WIRE TAPS**  
 Crimes  
     intercepting private conversations 9.73.030  
 Hostage or barricaded person situation telecommunications may be intercepted 9.73.030

**WITNESSES**  
 Attorney and client 5.60.060  
 Attorneys 5.60.060  
 Clergyman or priest 5.60.060  
 Competency  
     attorneys 5.60.060  
     clergyman or priest 5.60.060  
     husband and wife 5.60.060  
     intoxication 5.60.050  
     mentally ill 5.60.050  
     physician or surgeon 5.60.060  
     privileged communications 5.60.060  
     public officers 5.60.060  
     unsound mind 5.60.050  
     who may testify 5.60.020  
 Contempt, by  
     before legislative authorities, power to cite 36.32.120  
 Husband and wife 5.60.060  
 Intoxicated person, competency 5.60.050  
 Legislative authorities, contempt citation, power 36.32.120  
 Mentally ill, competency 5.60.050  
 Physician or surgeon 5.60.060  
 Privileged communications  
     clergyman, confessions to 5.60.060  
     husband and wife 5.60.060  
     physician and patient 5.60.060  
     public officers 5.60.060  
 Public officers 5.60.060  
 Registered nurses  
     privileged communications 5.62.020, 5.62.030  
 Unsound mind, competency 5.60.050  
 Who may testify 5.60.020

## **WORK**

## **WRONGFUL DEATH**

### **WORK**

Employment partnership program  
annual report to legislature 50.63.100  
created, goals 50.63.020  
employer eligibility, conditions 50.63.040  
federal funds to be sought by the department of social and health services  
50.63.090  
grants, diversion to worker-owned businesses 50.63.050  
legislative findings 50.63.010  
pilot projects 50.63.030  
program participants  
benefits and salary not to be diminished  
50.63.070  
classification under job training law  
50.63.080  
eligibility for assistance programs  
50.63.060  
Worker and community right to know fund  
assessments 49.70.170  
disbursements 49.70.175  
penalties 49.70.177

### **WORKER AND COMMUNITY RIGHT TO KNOW**

Worker and community right to know fund  
assessments 49.70.170  
disbursements 49.70.175  
penalties 49.70.177

### **WRITS**

Legal holidays  
hearing applications and issuance of certain writs on 2.28.100

### **WRONGFUL DEATH**

Defense, engaged in a felony 4.24.420  
Drunk driving  
contributory fault, defense 5.40.060  
Economic damages  
defined 4.56.250  
Felony, defense 4.24.420  
Noneconomic damages  
defined 4.56.250  
Privileged communications  
physicians or surgeons 5.60.060