

NEW SECTION. Sec. 25. 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.

Passed the House April 22, 1977.

Passed the Senate May 11, 1977.

Approved by the Governor May 20, 1977.

Filed in Office of Secretary of State May 20, 1977.

CHAPTER 41

[House Bill No. 335]

CITIES AND TOWNS—SECOND, THIRD OR FOURTH CLASS—PUBLIC BIDS

AN ACT Relating to cities and towns; and amending section 35.23.352, chapter 7, Laws of 1965 as last amended by section 2, chapter 74, Laws of 1974 ex. sess. and RCW 35.23.352.

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

Section 1. Section 35.23.352, chapter 7, Laws of 1965 as last amended by section 2, chapter 74, Laws of 1974 ex. sess. and RCW 35.23.352 are each amended to read as follows:

Any city or town of the second, third or fourth class may construct any public work or improvement by contract or day labor without calling for bids therefor whenever the estimated cost of such work or improvement, including cost of materials, supplies and equipment will not exceed the sum of five thousand dollars. Whenever the cost of such public work or improvement, including materials, supplies and equipment, will exceed five thousand dollars, the same shall be done by contract. All such contracts shall be let at public bidding upon posting notice calling for sealed bids upon the work. Such notice thereof shall be posted in a public place in the city or town and by publication in the official newspaper once each week for two consecutive weeks before the date fixed for opening the bids. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. If there is no official newspaper the notice shall be published in a newspaper published or of general circulation in the city or town. The city council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call (~~(, or if in its judgment the improvement or work, including the purchase of supplies, material and equipment, can be done by the city at less cost than the lowest bid submitted it may do so without making a further call for bids or awarding any contract therefor and in such case all such bid proposal deposits shall be returned to the bidder; but if)~~). When the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond

to perform the work furnished, with surety satisfactory to the council or commission, in the full amount of the contract price. If the bidder fails to enter into the contract in accordance with his bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond. If no bid is received on the first call the city council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform such work or improvement by day labor.

Any purchase of supplies, material, equipment or services other than professional services, except for public work or improvement, where the cost thereof exceeds two thousand dollars shall be made upon call for bids in the same method and under the same conditions as required herein on a call for bids for public work or improvement.

Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper published or of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

Passed the House March 17, 1977.

Passed the Senate May 12, 1977.

Approved by the Governor May 20, 1977.

Filed in Office of Secretary of State May 20, 1977.

CHAPTER 42

[House Bill No. 580]

TELEPHONE OR TELEGRAPH—FRAUDULENT USE—PENALTY

AN ACT Relating to crimes; amending section 1, chapter 114, Laws of 1955 as last amended by section 2, chapter 160, Laws of 1974 ex. sess. and RCW 9.45.240; and providing penalties.

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

Section 1. Section 1, chapter 114, Laws of 1955 as last amended by section 2, chapter 160, Laws of 1974 ex. sess. and RCW 9.45.240 are each amended to read as follows:

(1) Every person who, with intent to evade the provisions of any order of the Washington utilities and transportation commission or of any tariff, rule, or regulation lawfully filed with said commission by any telephone or telegraph company, or with intent to defraud, obtains telephone or telegraph service from any telephone or telegraph company through the use of a false or fictitious name or telephone number or the unauthorized use of the name or telephone number of another, or through any other trick, deceit, or fraudulent device, shall be guilty of a misdemeanor: PROVIDED, HOWEVER, That if the value of the telephone or telegraph service which any person obtains in violation of this section during a period of ninety days exceeds seventy-five dollars in the aggregate, then such person shall be guilty of a gross misdemeanor: PROVIDED FURTHER, That as to any act which constitutes a violation of both this subsection and ((RCW 9.26A.050)) subsection