

(7) Drains, sewers and sewer appurtenances which as to trunk sewers shall include as nearly as possible all the territory which can be drained through the trunk sewer and subsewers connected thereto;

(8) Escalators or moving sidewalks together with the expense of operation and maintenance;

(9) Parks and playgrounds;

(10) Sidewalks, curbing, and crosswalks;

(11) Street lighting systems together with the expense of furnishing electrical energy, maintenance, and operation;

(12) Underground utilities transmission lines;

(13) Water mains, hydrants and appurtenances which as to trunk water mains shall include as nearly as possible all the territory in the zone or district to which water may be distributed from the trunk water mains through lateral service and distribution mains and services;

(14) Fences, culverts, syphons, or coverings or any other feasible safeguards along, in place of, or over open canals or ditches to protect the public from the hazards thereof;

(15) Roadbeds, trackage, signalization, storage facilities for rolling stock, overhead and underground wiring, and any other stationary equipment reasonably necessary for the operation of an electrified public street-car line.

NEW SECTION. Sec. 2. 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.

Passed the Senate February 12, 1981.

Passed the House March 30, 1981.

Approved by the Governor April 3, 1981.

Filed in Office of Secretary of State April 3, 1981.

CHAPTER 18

[Substitute Senate Bill No. 3076]

SALES TAX—VENDING MACHINE FOOD SALES

AN ACT Relating to revenue and taxation; and amending section 49, chapter 37, Laws of 1980 as amended by section 3, chapter 86, Laws of 1980 and RCW 82.08.0284.

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

Section 1. Section 49, chapter 37, Laws of 1980 as amended by section 3, chapter 86, Laws of 1980 and RCW 82.08.0284 are each amended to read as follows:

(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, 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))~~ 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 under a state administered nutrition program for the aged as provided for in the Older American Act (P.L. 95-478 Title III) and RCW 74.38.040(6), 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.

Passed the Senate March 18, 1981.

Passed the House April 7, 1981.

Approved by the Governor April 16, 1981.

Filed in Office of Secretary of State April 16, 1981.

CHAPTER 19

[Engrossed Substitute Senate Bill No. 3080]

MOTOR VEHICLE OFFENSES—TRAFFIC INFRACTION CLASSIFICATION— HEARINGS, PROCEDURE, COSTS—MONETARY PENALTY, ESTABLISHMENT OF

AN ACT Relating to motor vehicle offenses; amending section 2, chapter 136, Laws of 1979 ex. sess. as amended by section 7, chapter 148, Laws of 1980 and RCW 46.63.020; amending section 10, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.080; amending section 1, chapter 101, Laws of 1901 as amended by section 1, chapter 10, Laws of 1903 and RCW 42.16.020; amending section 13, chapter 136, Laws of 1979 ex. sess. as amended by section 4, chapter 128, Laws of 1980 and RCW 46.63.110; adding a new section to chapter 46.63 RCW; repealing section 13, chapter 128, Laws of 1980 and RCW 46.63.150; and declaring an emergency.

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

Section 1. Section 2, chapter 136, Laws of 1979 ex. sess. as amended by section 7, chapter 148, Laws of 1980 and RCW 46.63.020 are each amended to read as follows:

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 46.20.021 relating to driving without a valid driver's license;