

the vacancy has occurred. The person who is elected shall take office immediately after he or she is qualified and shall serve the remainder of the unexpired term. However, if at this next district general election an election would have otherwise been held to elect a person to the position in which a vacancy has occurred, a separate election shall not be held to elect a person to fill the vacancy during the remainder of the unexpired term. The person who is elected at this election for this position shall take office immediately upon being qualified and shall serve for both the remainder of the unexpired term in addition to the full term to which he or she is elected.

Passed the Senate April 10, 1985.

Passed the House April 8, 1985.

Approved by the Governor April 22, 1985.

Filed in Office of Secretary of State April 22, 1985.

CHAPTER 88

[Senate Bill No. 3143]

TRADE NAMES

AN ACT Relating to trade names; and amending RCW 19.80.035.

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

Sec. 1. Section 4, chapter 130, Laws of 1984 and RCW 19.80.035 are each amended to read as follows:

~~((Within one year after October 1, 1984))~~ On or before October 1, 1986, each person who registered a trade name prior to October 1, 1984, and is conducting or transacting business in this state under that trade name, shall reregister the trade name under this chapter. All reregistrations shall be executed under RCW 19.80.010 and shall be accompanied by a fee of five dollars or the fee set under RCW 19.80.045. Within three years of October 1, 1984, the department of licensing shall devise and implement a no-fee system for identifying and purging trade name registrations that have become inactive. Failure to reregister ~~((within one year of October 1, 1984))~~ on or before October 1, 1986, terminates the previous registration.

Passed the Senate February 21, 1985.

Passed the House April 8, 1985.

Approved by the Governor April 22, 1985.

Filed in Office of Secretary of State April 22, 1985.

CHAPTER 89

[Engrossed Senate Bill No. 3273]

MUTUAL AID PEACE OFFICERS POWERS ACT

AN ACT Relating to law enforcement; adding a new chapter to Title 10 RCW; creating a new section; and providing an effective date.

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

NEW SECTION. Sec. 1. (1) This chapter may be known and cited as the Washington mutual aid peace officer powers act of 1985.

(2) It is the intent of the legislature that current artificial barriers to mutual aid and cooperative enforcement of the laws among general authority local, state, and federal agencies be modified pursuant to this chapter.

(3) This chapter shall be liberally construed to effectuate the intent of the legislature to modify current restrictions upon the limited territorial and enforcement authority of general authority peace officers and to effectuate mutual aid among agencies.

(4) The modification of territorial and enforcement authority of the various categories of peace officers covered by this chapter shall not create a duty to act in extraterritorial situations beyond any duty which may otherwise be imposed by law or which may be imposed by the primary commissioning agency.

NEW SECTION. Sec. 2. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol is a general authority Washington law enforcement agency.

(2) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources, fisheries, game, and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor control board, and the state department of corrections.

(3) "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(4) "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of

the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(5) "Specially commissioned Washington peace officer", for the purposes of this act, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

(6) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(7) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more

other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

NEW SECTION. Sec. 3. The circumstances surrounding any actual exercise of peace officer authority under this chapter shall be timely reported, after the fact, to the Washington law enforcement agency with primary territorial jurisdiction and shall be subject to any reasonable reporting procedure which may be established by such agency.

NEW SECTION. Sec. 4. Any liability or claim of liability which arises out of the exercise or alleged exercise of authority by an officer acting within the course and scope of the officer's duties as a peace officer under this chapter is the responsibility of the primary commissioning agency unless the officer acts under the direction and control of another agency or unless the liability is otherwise allocated under a written agreement between the primary commissioning agency and another agency.

NEW SECTION. Sec. 5. All persons exercising peace officer powers under this chapter are subject to supervisory control of and limitations imposed by the primary commissioning agency, but the primary commissioning agency may, by agreement with another agency, temporarily delegate supervision over the peace officer to another agency.

NEW SECTION. Sec. 6. All of the privileges and immunities from liability, exemption from laws, ordinances, and rules, all pension, relief, disability, worker's compensation insurance, and other benefits which apply to the activity of officers, agents, or employees of any law enforcement agency when performing their respective functions within the territorial limits of their respective agencies shall apply to them and to their primary commissioning agencies to the same degree and extent while such persons are engaged in the performance of authorized functions and duties under this chapter.

NEW SECTION. Sec. 7. In addition to any other powers vested by law, a general authority Washington peace officer who possesses a certificate of basic law enforcement training or a certificate of equivalency or has been exempted from the requirement therefor by the Washington state criminal justice training commission may enforce the traffic or criminal laws of this state throughout the territorial bounds of this state, under the following enumerated circumstances:

(1) Upon the prior written consent of the sheriff or chief of police in whose primary territorial jurisdiction the exercise of the powers occurs;

(2) In response to an emergency involving an immediate threat to human life or property;

(3) In response to a request for assistance pursuant to a mutual law enforcement assistance agreement with the agency of primary territorial jurisdiction or in response to the request of a peace officer with enforcement authority;

- (4) When the officer is transporting a prisoner;
 - (5) When the officer is executing an arrest warrant or search warrant;
- or
- (6) When the officer is in fresh pursuit, as defined in section 12 of this act.

NEW SECTION. Sec. 8. A limited authority Washington peace officer shall have no additional powers by virtue of this chapter but shall be limited to those powers already vested by law or hereafter created by separate enactment.

NEW SECTION. Sec. 9. A specially commissioned Washington peace officer who has successfully completed a course of basic training prescribed or approved for such officers by the Washington state criminal justice training commission may exercise any authority which the special commission vests in the officer, throughout the territorial bounds of the state, outside of the officer's primary territorial jurisdiction under the following circumstances:

- (1) The officer is in fresh pursuit, as defined in section 12 of this act;
- (2) The officer is acting pursuant to mutual law enforcement assistance agreement between the primary commissioning agency and the agency with primary territorial jurisdiction.

NEW SECTION. Sec. 10. Federal peace officers shall have no additional powers by virtue of this chapter but shall be limited to those powers already vested by law or hereafter created by separate enactment.

NEW SECTION. Sec. 11. The attorney general shall have no additional powers by virtue of this chapter but shall be limited to those powers already vested by law or hereafter created by separate enactment.

NEW SECTION. Sec. 12. (1) Any peace officer who has authority under Washington law to make an arrest may proceed in fresh pursuit of a person (a) who is reasonably believed to have committed a violation of traffic or criminal laws, or (b) for whom such officer holds a warrant of arrest, and such peace officer shall have the authority to arrest and to hold such person in custody anywhere in the state.

(2) The term "fresh pursuit," as used in this chapter, includes, without limitation, fresh pursuit as defined by the common law. Fresh pursuit does not necessarily imply immediate pursuit, but pursuit without unreasonable delay.

NEW SECTION. Sec. 13. Under the interlocal cooperation act, chapter 39.34 RCW, any law enforcement agency referred to by this chapter may contract with any other such agency and may also contract with any law enforcement agency of another state, or such state's political subdivision, to provide mutual law enforcement assistance. The agency with primary territorial jurisdiction may require that officers from participating

agencies meet reasonable training or certification standards or other reasonable standards.

NEW SECTION. Sec. 14. This chapter does not limit the scope of jurisdiction and authority of the Washington state patrol as otherwise provided by law, and the Washington state patrol shall not be bound by the reporting requirements of section 3 of this act.

NEW SECTION. Sec. 15. In order to further the intent of this chapter, the Washington association of sheriffs and police chiefs is hereby directed to develop a state-wide plan for the delivery of law enforcement mutual aid services and present such a plan to the legislature by January 1, 1986.

NEW SECTION. Sec. 16. Sections 1 through 14 of this act shall constitute a new chapter in Title 10 RCW.

NEW SECTION. Sec. 17. This act shall take effect July 1, 1985.

Passed the Senate February 27, 1985.

Passed the House April 10, 1985.

Approved by the Governor April 22, 1985.

Filed in Office of Secretary of State April 22, 1985.

CHAPTER 90

[Substitute Senate Bill No. 3598]

SERVICE DOGS—PHYSICALLY DISABLED PERSONS

AN ACT Relating to physically disabled persons; amending RCW 70.84.030, 70.84.040, 70.84.060, 70.84.070, and 49.60.215; and adding a new section to chapter 70.84 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 70.84 RCW to read as follows:

For the purpose of this chapter, "service dog" means a dog that is trained or approved by an accredited school, or state institution of higher education, engaged in training dogs for the purposes of assisting or accommodating a physically disabled person related to the person's physical disability.

Sec. 2. Section 3, chapter 141, Laws of 1969 as amended by section 3, chapter 109, Laws of 1980 and RCW 70.84.030 are each amended to read as follows:

Every totally or partially blind ((σ)), hearing impaired, or otherwise physically disabled person shall have the right to be accompanied by a guide dog or service dog in any of the places listed in RCW 70.84.010(3) without being required to pay an extra charge for the guide dog or service dog. It shall be unlawful to refuse service to a blind ((σ)), hearing impaired, or