

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately. Effective immediately.

Passed the Senate March 5, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 15, 1937.

---

CHAPTER 145.

[H. B. 15.]

RELEASE OF SURETIES FROM LIABILITY UPON BONDS.

AN ACT relating to surety bonds and undertakings required by law, providing for release from liability of the surety thereon and repealing the act of the legislature approved March 14, 1890, Laws of 1889-90, pp. 43, 44 and 45 (sections 9942, 9943, 9944, 9945 and 9946, Remington's Compiled Statutes).

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

SECTION 1. Unless otherwise required by the context, words as used herein shall mean: "Bond" shall mean and include any bond, undertaking or writing executed by a principal and surety, required by law from the principal as an official or employee of the state, or any county, municipal corporation or taxing district, or as guardian, executor, administrator, receiver or trustee, or as a licensee or permittee as a condition to the right to receive, hold or exercise any license, permit or franchise;

"Surety" shall mean and include any person, firm or corporation that has executed as surety any bond. "Surety."

SEC. 2. Any surety upon any bond described in section 1 hereof desiring to be released from subsequent liability and responsibility on any such bond shall serve upon the principal of such bond a written notice that on and after a certain date to be fixed in Proceedings to obtain release of surety.

Notice.

the notice, which shall be not less than ten days from the date of the service of the notice, the surety will withdraw as surety from such bond and shall serve a copy of such notice upon the official with whom such bond is filed not less than ten days prior to the date fixed in the notice as the date of termination of liability. If such principal is an individual and resides within the State of Washington, or is a corporation doing business in the State of Washington, such notice shall be personally served upon such individual, or if the principal is a firm or a corporation, such notice shall be served personally upon any person upon whom personal service of summons may be made under the existing laws of the State of Washington. If the principal is an individual and is not a resident of the State of Washington, or cannot be found therein, or if the principal is a foreign corporation, such notice shall be mailed by registered mail to the last known address of such principal, if any, which fact shall be shown by affidavit filed with the notice of withdrawal as hereinafter provided, and a copy of such notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the county of the residence of the official with whom such bond is filed. The date of the last publication of notice shall be not less than twenty days from the date stated therein as the date upon which the surety will withdraw from the bond. Proof of such service or publication shall be made by affidavit and filed with the official with whom the bond is filed at least ten days before the date fixed in the notice of withdrawal.

Personal  
service.

Registered  
mail.

Publication.

Release of  
surety.

SEC. 3. On and after the date fixed in the notice as the termination date the surety shall be released from subsequent liability on such bond; and, unless before the date fixed in such notice as the termination date by the surety, a new bond shall be filed with sufficient and satisfactory surety as required by

law under which the bond was originally furnished and filed, the office, position or trust in the case of a public office, guardian, executor, administrator, receiver or trustee shall become vacant and a successor shall be appointed as provided by law; and in case of a license, certificate, permit or franchise, the same shall become null and void: *Provided, however,* That no surety shall be released on the bond of any guardian, executor, administrator, receiver, or trustee until such fiduciary shall have furnished a new bond with surety approved by the court, or until his successor has been appointed and has qualified and taken over the fiduciary assets. Said notice of withdrawal shall be final and not subject to cancellation by said surety and said license, certificate, permit or franchise can only be continued upon filing a new bond as above provided.

Failure to file new bond vacates office.

Fiduciaries.

Notice of withdrawal final.

SEC. 4. The act of the legislature approved March 14, 1890, pp. 43, 44 and 45 of the Session Laws of 1889-90 (sections 9942, 9943, 9944, 9945 and 9946, Remington's Compiled Statutes), is hereby repealed.

Statutes repealed.

Passed the House March 4, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 15, 1937.