

CHAPTER 117.

[H. B. 86.]

REFRIGERATED LOCKERS.

AN ACT to provide for the regulation of the operation of refrigerated lockers and the dealing in, handling and processing of food for human consumption in connection therewith; to provide standards of sanitation and quality; to provide a system of licenses; defining certain offenses and providing penalties therefor; and providing for lien and foreclosure; providing a saving clause; and declaring an emergency.

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

SECTION 1. This act is in exercise of the police powers of the state for the protection of the safety, health and welfare of the people of the state. It hereby is found and declared that the public welfare requires control and regulation of the operation of refrigerated lockers and of the sale, handling and processing of articles of human food in connection therewith, and the control, inspection and regulation of persons engaged therein, in order to prevent or eliminate unsanitary, unhealthful, fraudulent, and unfair or uneconomic practices and conditions in connection with the refrigerated locker business, which practices and conditions endanger public health, defraud customers, jeopardize the public source of supply and storage facilities of essential food products, and adversely affect an important and growing industry. It is further found and declared that the regulation of the refrigerated locker business, as above outlined, is in the interest of the economic and social well-being and the health and safety of the state and all of its people.

Declaration
of purpose.

SEC. 2. *Definitions.* Except where the context indicates a different meaning, terms used in this act shall be defined as follows:

Definition.

(a) "Refrigerated locker" or "locker" means any

place, premises or establishment where facilities for the cold storage and preservation of human food in separate and individual compartments are offered to the public upon a rental or other basis providing compensation to the person offering such services.

(b) "Person" includes any individual, partnership, corporation, association, county, municipality, cooperative group, or other entity engaging in the business of operating or owning or offering the services of refrigerated lockers as above defined.

Director of
Agriculture
to license.

SEC. 3. No person hereafter shall engage within this state in the business of owning, operating or offering the services of any refrigerated locker or lockers without having obtained from the Director of Agriculture a license for each such place of business. Application for such license shall be made in writing and under oath to the Director of Agriculture, on such forms and with such pertinent information as he may deem necessary. Such licenses shall be granted as a matter of right unless conditions exist which are grounds for a cancellation or revocation of a license as hereinafter set forth.

Written
application.

Annual fee.

SEC. 4. (a) The Director of Agriculture shall collect with each application for a refrigerated license, or renewal of such license, an annual fee not to exceed ten dollars (\$10) or as much thereof as is deemed necessary, and the funds therefrom shall be disbursed by the Director of Agriculture for the enforcement of the act: *Provided, however,* That funds disbursed for enforcement of the act shall in no case exceed funds derived from license fees thereunder.

Disburse-
ment.

Proviso.

Expiration
date.

(b) Each such license shall expire on December 31st following its date of issue, unless sooner revoked for cause. Renewal may be obtained annually by surrendering to the Director of Agriculture the old license certificate and paying the required annual license fee. Such license fee shall

not be transferrable to any person nor be applicable to any location other than that for which originally issued.

License not transferable.

SEC. 5. (a) The Director of Agriculture may cancel or suspend any such license if he finds after proper investigation that (1) the licensee has violated any provision of this act or of any other law of this state relating to the operation of refrigerated lockers or of the sale of any human food in connection therewith, or any regulation effective under any act the administration of which is in the charge of the Department of Agriculture, or (2) the licensed refrigerated locker premises or any equipment used therein or in connection therewith is in an unsanitary condition and the licensee has failed or refused to remedy the same within ten (10) days after receipt from the Director of Agriculture of written notice to do so.

Director may cancel:

For violation of act or rules;

For failure to remedy unsanitary conditions.

(b) No license shall be revoked or suspended by the director without delivery to the licensee of a written statement of the charge involved and an opportunity to answer such charge within ten (10) days from the date of such notice.

Written notice.

(c) Any order made by the director suspending or revoking any license may be reviewed by certiorari in the Superior Court of the county in which the licensed premises are located, within ten (10) days from the date notice in writing of the director's order revoking or suspending such license has been served upon him.

Order reviewable.

SEC. 6. (a) No person afflicted with any contagious or infectious disease shall work or be permitted to work in or about any refrigerated locker, nor in the handling, dealing nor processing of any human food in connection therewith.

Employment of diseased persons not permitted.

(b) No person shall work or be permitted to work in or about any refrigerated locker in the handling, processing or dealing in any human food

Health certificates for employees.

Maximum
fee.

Six months'
period.

Health
certificate
may be
revoked.

Director to
make rules.

Periodical
inspection.

or any ingredient thereof without holding a certificate from a physician, duly accredited for that purpose by the State Board of Health, certifying that such person has been examined and found free from any contagious or infectious disease. The State Board of Health may fix a maximum fee, not exceeding two dollars (\$2) which may be charged by a physician for such examination. Such certificate shall be effective for a period of six (6) months and thereafter must be renewed following proper physical examination as aforesaid. Where such certificate is required and provided under municipal ordinance upon examination deemed adequate by the State Board of Health, certificates issued thereunder shall be sufficient under this act.

(c) Any such certificate shall be revoked by the State Board of Health at any time the holder thereof is found, after proper physical examination, to be afflicted with any communicable or infectious disease. Refusal of any person employed in such premises to submit to proper and reasonable physical examination upon written demand by the State Board of Health or of the Director of Agriculture shall be cause for revocation of that person's health certificate.

SEC. 7. The Director of Agriculture is hereby empowered to prescribe and to enforce such rules and regulations and to make such definitions, and to prescribe such procedure with regard to hearings, as he may deem necessary to carry into effect the full intent and meaning of this act.

SEC. 8. The Director of Agriculture shall cause to be made periodically a thorough inspection of each establishment licensed under this act to determine whether or not the premises are constructed, equipped and operated in accordance with the requirements of this act and of all other laws of this state applicable to the operation either of refrig-

erated lockers or of the handling of human food in connection therewith, and of all regulations effective under this act relative to such operation. Such inspection shall also be made of each vehicle used by operator of refrigerated lockers or of an establishment handling human food in connection therewith, when such vehicle is used in transporting or distributing human food products to or from refrigerated lockers within this state.

Vehicles
to be
inspected.

SEC. 9. Every operator of a refrigerated locker plant shall provide a complete refrigeration system with adequate capacity and accurate and reliable controls for the maintenance of the following uniform temperatures of the various refrigerated rooms if provided, under extreme conditions of outside temperatures and under peak load conditions in the normal operation of the plant. The temperatures of the following rooms shall not exceed:

Uniform
temperatures
for:

(a) Chill room, temperatures within two (2) degrees (Fahrenheit) plus or minus of thirty-five (35) degrees (Fahrenheit) with a tolerance of ten (10) degrees (Fahrenheit) after fresh food is put in for chilling;

Chill room;

(b) Sharp freeze room, sharp freeze compartments, temperatures of minus ten (-10) degrees (Fahrenheit) or lower, or temperatures of zero (0) degrees (Fahrenheit) or lower when forced air circulation is employed, with a tolerance of ten (10) degrees (Fahrenheit) for either type of installation after fresh food is put in for freezing;

Sharp freeze
room;

(c) Locker room temperatures of zero (0) degrees (Fahrenheit) with a tolerance of twelve (12) degrees (Fahrenheit) plus.

Locker room.

SEC. 10. In any proceeding under this act the Director of Agriculture may administer oaths and issue subpoenas, summon witnesses and take testimony of any person within the State of Washington.

Powers of
Director in
hearings.

Penalties
for
violation.

SEC. 11. Any person violating any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars (\$100) for the first offense, and not less than two hundred dollars (\$200) for the second and for each and every subsequent offense, and each day that any violation continues shall constitute a separate offense.

Liability
limited.

SEC. 12. The liability of the owner or operator of refrigerated lockers for loss of goods in lockers or in operator's care shall be limited to negligence of operation or of employees.

Lien for
locker
rental.

SEC. 13. Every operator of a locker shall have a lien upon all the property of every kind in his possession for all lockers' rentals, processing, handling or other charges due. Such lien may be foreclosed under the procedure as provided for chattel mortgages.

Owner not
liable for
law viola-
tions of
renters.

(a) Locker owners and operators shall not be responsible for liability for violations of game or other laws by renters unless the contents of the locker are under the control of the locker plant operator.

Operators
not ware-
housemen.

SEC. 14. Persons who own or operate refrigerated locker plants shall not be construed to be warehousemen, nor shall receipts or other instruments issued by such persons in the ordinary conduct of their business be construed to be negotiable warehouse receipts.

License fee
inclusive.

SEC. 15. Payment of the license fee stipulated herein shall be accepted in lieu of any and all existing fees and charges for like purposes or intent which may be existent prior to the adoption of this act.

Validity
section.

SEC. 16. If any clause, sentence, paragraph, section or part of this act shall, for any reason, be adjudged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree

shall not affect, impair nor invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment or decree shall have been rendered.

SEC. 17. This act is necessary for the immediate preservation of the public peace, health and safety; and an emergency hereby is declared to exist, and this act shall take effect and be in full force and effect from and after its passage. Effective immediately.

Passed the House March 1, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 17, 1943.

CHAPTER 118.

[H. B. 218.]

REAL ESTATE BROKERS AND SALESMEN.

AN ACT relating to real estate brokers and real estate salesmen and amending sections 2, 11, 17, 18, 19, 24 and 26, chapter 252, Laws of 1941 (sections 8340-25, 8340-34, 8340-40, 8340-41, 8340-42, 8340-47 and 8340-49, Rem. Supp. 1941), providing for additional supervision.

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

SECTION 1. That section 2, chapter 252, Laws of 1941 (section 8340-25, Rem. Supp. 1941), is hereby amended to read as follows: Amendments.

Section 2. For the purposes of this act, words and phrases shall have the following meaning, unless another meaning is apparent from the context: Definitions:

(1) A "real estate broker" is a person whose business policies and acts are free from the direction, control or management of another person, who for a compensation or promise thereof, or with intent to collect or receive a compensation or promise thereof, Real estate broker.