

fully apply to the territory deleted from RCW 66.44.190 by section 1 of this 1967 amendatory act.

Passed the Senate February 3, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 10, 1967.

CHAPTER 22.

[Senate Bill No. 378.]

REGULATING REAL ESTATE BROKERS AND SALESMEN.

AN ACT relating to real estate brokers and salesmen; amending section 7, chapter 252, Laws of 1941 as amended by section 11, chapter 235, Laws of 1953 and RCW 18.85.220; and amending section 16, chapter 235, Laws of 1953 as amended by section 48, chapter 52, Laws of 1957 and RCW 18.85.350; and amending section 19, chapter 252, Laws of 1941, as last amended by section 12, chapter 235, Laws of 1953, and RCW 18.85.230.

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

RCW 18.85.220
amended.

Section 1. Section 7, chapter 252, Laws of 1941 as amended by section 11, chapter 235, Laws of 1953 and RCW 18.85.220 are each amended to read as follows:

Real estate
brokers. Li-
cense fees—
Disposition—
Real estate
commission
fund.

All fees required under the provisions of this chapter shall be paid to the state treasurer. The sum of five dollars from each license fee and each renewal fee received from a broker, associate broker, or salesman, shall be placed in the general fund. The balance of such fees and all other fees paid under the provisions of this chapter shall be placed in a special fund to be designated the real estate commission fund, one-half of which may be held and used for the sole purpose of inspecting the books, records and operations of the brokers, associate brokers, and salesmen.

Sec. 2. Section 16, chapter 235, Laws of 1953 as amended by section 48, chapter 52, Laws of 1957 and RCW 18.85.350 are each amended to read as follows:

RCW 18.85.350
amended.

The director may prefer a complaint for violation of any section of this chapter before any court of competent jurisdiction.

Real estate
brokers. Li-
censing—En-
forcement.

The prosecuting attorney of each county shall prosecute any violation of the provisions of this chapter which occurs in his county, and if the prosecuting attorney fails to act, the director may request the attorney general to take action in lieu of the prosecuting attorney.

Process issued by the director shall extend to all parts of the state, and may be served by any person authorized to serve process of courts of record, or may be mailed by registered mail to the licensee's last business address of record in the office of the director.

Whenever the director believes from evidence satisfactory to him that any person has violated any of the provisions of this chapter, or any order, license, decision, demand or requirement, or any part or provision thereof, he may bring an action, in the superior court in the county wherein such person resides, against such person to enjoin any such person from continuing such violation or engaging therein or doing any act or acts in furtherance thereof. In this action an order or judgment may be entered awarding such preliminary or final injunction as may be proper.

The director may petition the superior court in any county in this state for the immediate appointment of a receiver to take over, operate or close any real estate office in this state which is found, upon inspection of its books and records to be operating in violation of the provisions of this chapter, pending a hearing as herein provided.

RCW 18.85.230 amended.

Sec. 3. Section 19, chapter 252, Laws of 1941, as last amended by section 12, chapter 235, Laws of 1953, and RCW 18.85.230 are each amended to read as follows:

Real estate brokers. Licenses—Refusal, revocation, suspension of license—Grounds.

The director may, upon his own motion, and shall upon verified complaint in writing by any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker, associate real estate broker, or real estate salesman, regardless of whether the transaction was for his own account or in his capacity as broker, and may temporarily suspend or permanently revoke or deny the license of any holder who is guilty of:

(1) Obtaining a license by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the director;

(2) Violating any of the provisions of this chapter or any lawful rules or regulations made by the director pursuant thereto;

(3) A crime against the laws of this or any other state or government, involving moral turpitude or dishonest dealings;

(4) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication or distribution of false statements, descriptions or promises of such character as to reasonably induce any person to act thereon to his damage or injury, if the statements, descriptions or promises purport to be made or to be performed by either the licensee or his principal and the licensee then knew or, by the exercise of reasonable care and inquiry, could have known, of the falsity of the statements, descriptions or promises;

(5) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme or device whereby any other person lawfully relying upon the

word, representation or conduct of the licensee acts to his injury or damage;

(6) Accepting the services of, or continuing in a representative capacity, any salesman who has not been granted a license, or after his license has been revoked or during a suspension thereof;

(7) Conversion of any money, contract, deed, note, mortgage, or abstract or other evidence of title, to his own use or to the use of his principal or of any other person, when delivered to him in trust or on condition, in violation of the trust, or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, abstract or other evidence of title within thirty days after the owner thereof is entitled thereto, and makes demand therefor, shall be prima facie evidence of such conversion;

(8) Failing, upon demand, to disclose any information within his knowledge to, or to produce any document, book or record in his possession for inspection of the director or his authorized representatives acting by authority of law;

(9) Continuing to sell any real estate, or operating according to a plan of selling, whereby the interests of the public are endangered, after the director has, by order in writing, stated objections thereto;

(10) Committing any act of fraudulent or dishonest dealing and a certified copy of the final holding of any court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter;

(11) Advertising in any manner without affixing the broker's name as licensed, and in the case of a salesman or associate broker, without affixing the name of the broker as licensed for whom or under whom the salesman or associate broker operates, to the advertisement;

Real estate
brokers. Li-
censes—Re-
fusal,
revocation,
suspension of
license—
Grounds.

(12) Accepting other than cash or its equivalent as earnest money unless that fact is communicated to the owner prior to his acceptance of the other to purchase, and such fact is shown in the earnest money receipt;

(13) Charging or accepting compensation from more than one party in any one transaction without first making full disclosure of all the facts to all the parties interested in the transaction.

(14) Accepting, taking or charging any undisclosed commission, rebate or direct profit on expenditures made for the principal;

(15) Accepting employment or compensation for appraisal of real property contingent upon reporting a predetermined value;

(16) Issuing an appraisal report on any real property in which the broker or salesman has an interest unless his interest is clearly stated in the appraisal report;

(17) Misrepresentation of his membership in any state or national real estate association;

(18) Discriminating against any person or persons because of race, creed, color or national origin while acting in the capacity of a real estate broker, associate real estate broker, or real estate salesman: *Provided*, That prior to taking any action to suspend, revoke or deny the license of any broker or salesman upon grounds specified in this subsection, the director shall issue an order to any such broker or salesman to cease and desist in such act or practice of discrimination and upon receipt of an assurance in writing of discontinuance thereof shall take no further action to suspend, revoke or deny the license of such broker or salesman unless within six months thereafter such broker or salesman engages in a further act or practice of discrimination. Such

assurance of discontinuance shall not be considered an admission of a violation for any purpose.

Passed the Senate March 9, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 10, 1967.

CHAPTER 23.

[Senate Bill No. 64.]

DELETING REQUIREMENT TO MAINTAIN WESTERN STATE HOSPITAL DAIRY HERD.

AN ACT relating to the department of institutions; and amending section 1, chapter 193, Laws of 1961 and RCW 72.01.430.

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

Section 1. Section 1, chapter 193, Laws of 1961 and RCW 72.01.430 are each amended to read as follows:

RCW 72.01.430 amended.

The director of the department of institutions, notwithstanding any provision of law to the contrary, is hereby authorized to transfer equipment, livestock and supplies between the several institutions within the department without reimbursement to the transferring institution excepting, however, any such equipment donated by organizations for the sole use of such transferring institutions. Whenever transfers of capital items are made between institutions of the department, notice thereof shall be given to the director of the department of general administration accompanied by a full description of such items with inventory numbers, if any.

Equipment transfer between state institutions—Notice.

Passed the Senate February 23, 1967.

Passed the House March 3, 1967.

Approved by the Governor March 13, 1967.