

pesticides;

(c) To inspect storage or disposal areas;

(d) To inspect or investigate complaints of injury to humans or land; or

(e) To sample pesticides being applied or to be applied.

(2) Should the director be denied access to any land where such access was sought for the purposes set forth in this chapter, he may apply to any court of competent jurisdiction for a search warrant authorizing access to such land for said purposes. The court may upon such application, issue the search warrant for the purposes requested.

(3) It shall be the duty of each prosecuting attorney to whom any violation of this chapter is reported, to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

(4) The director may bring an action to enjoin the violation or threatened violation of any provision of this chapter or any rule made pursuant to this chapter in the superior court of the county in which such violation occurs or is about to occur.

NEW SECTION. Sec. 11. Section 21, chapter 249, Laws of 1961 and RCW 17.21.210 are each hereby repealed.

Passed the House March 12, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 192

[House Bill No. 705]

REGULATION OF PUBLIC LIVESTOCK MARKETS

AN ACT Relating to public livestock markets; amending section 3, chapter 107, Laws of 1959 as last amended by section 5, chapter 120, Laws of 1967 ex. sess. and RCW 16.65.030; amending section 8, chapter 107, Laws of 1959 as amended by section 3, chapter 182, Laws of 1961 and RCW 16.65.080; amending section 9, chapter 107, Laws of 1959 and RCW 16.65.090; amending section 14, chapter 107, Laws of 1959 and RCW 16.65.140; amending section 4, chapter 182, Laws of 1961 and RCW 16.65.200; amending section 21, chapter 107, Laws of 1959 and RCW 16.65.210; amending section 22, chapter 107, Laws of 1959 and RCW 16.65.220; and repealing section 7, chapter 107, Laws of 1959 and RCW 16.65.070.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 3, chapter 107, Laws of 1959 as last amended by section 5, chapter 120, Laws of 1967 ex. sess. and RCW 16.65.030 are each amended to read as follows:

On and after the effective date of this chapter no person shall operate a public livestock market without first having obtained a license from the director. Application for such license or renewal thereof shall be in writing on forms prescribed by the director, and shall include the following:

(1) A legal description of the property upon which the public livestock market shall be located.

(2) A complete description and blueprints or plans of the public livestock market physical plant, yards, pens and all facilities the applicant proposes to use in the operation of such public livestock market.

(3) A detailed statement showing all the assets and liabilities of the applicant.

(4) The schedule of rates and charges the applicant proposes to impose on the owners of livestock for services rendered in the operation of such livestock market.

(5) The weekly or monthly sales day or days on which the applicant proposes to operate his public livestock market sales.

(6) Projected source and quantity of livestock, by county, anticipated to be handled.

(7) Projected income and expense statements for the first year's operation.

(8) Facts upon which are based the conclusion that the trade area and the livestock industry will benefit because of the proposed market.

(9) Such other information as the director may reasonably require.

((In determining whether or not an original application for a license shall be granted or denied the director shall give reasonable consideration to:)) The director shall after public hearing as provided by chapter 34.04 RCW grant or deny an application for original license for a public livestock market after considering evidence and testimony relating to all requirements and giving reasonable consideration at the same hearing to:

(1) Benefits to the livestock industry to be derived from the establishment and operation of the public livestock market proposed in the application.

(2) The present market services elsewhere available to the trade area proposed to be served.

Such application shall be accompanied by a license fee of one hundred dollars. Any applicant operating more than one public livestock market shall make a separate application for a license to

operate each such public livestock market, and each such application shall be accompanied by a license fee of one hundred dollars. Upon the approval of the application by the director and compliance with the provisions of this chapter, the applicant shall be issued a license or renewal thereof. Any license issued under the provisions of this chapter shall only be valid at location and for the sales day or days for which the license was issued.

Sec. 2. Section 8, chapter 107, Laws of 1959 as amended by section 3, chapter 182, Laws of 1961 and RCW 16.65.080 are each amended to read as follows:

(1) The director is authorized to deny, suspend, or revoke a license in the manner prescribed herein, when there are findings by the director that any licensee (a) has been guilty of fraud or misrepresentation as to titles, charges, numbers, brands, weights, proceeds of sale, or ownership of livestock; (b) has violated any of the provisions of this chapter or rules and regulations adopted hereunder; (c) has violated any laws of the state that require health or brand inspection of livestock; (d) has violated any condition of the bond, as provided in this chapter. However, the director may deny a license if the applicant refuses to accept the sales day or days allocated to him under the provisions of this chapter.

(2) In all proceedings for revocation, suspension, or denial of a license the licensee or applicant shall be given an opportunity to be heard in regard to such revocation, suspension or denial of a license. The director shall give the licensee or applicant twenty days' notice in writing and such notice shall specify the charges or reasons for such revocation, suspension or denial. The notice shall also state the date, time and place where such hearing is to be held. Such hearings shall be held in the city where the licensee has his principal place of business, or where the applicant resides, unless some other place be agreed upon by the parties, and the defendant may be represented by counsel.

(3) The director may issue subpoenas to compel the attendance of witnesses, and/or the production of books or documents anywhere in the state. The applicant or licensee shall have opportunity to be heard, and may have such subpoenas issued as he desires. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath which may be administered by the director. Testimony shall be recorded, and may be taken by deposition under such rules as the director may prescribe.

(4) The director shall hear and determine the charges, make findings and conclusions upon the evidence produced, and file them in his office, together with a ((transcript)) record of all of the evidence, and serve upon the accused a copy of such findings and conclusions.

Sec. 3. Section 9, chapter 107, Laws of 1959 and RCW 16.65.090 are each amended to read as follows:

The director shall provide for brand inspection. When such brand inspection is required the licensee shall collect from the consignor and pay to the department, as provided by law, a fee for brand inspection for each animal consigned to the public livestock market: PROVIDED, That if in any one sale day the total fees collected for brand inspection do not exceed ~~((twenty))~~ forty dollars, then such licensee shall pay ~~((twenty))~~ forty dollars for such brand inspection or as much thereof as the director may prescribe.

Sec. 4. Section 14, chapter 107, Laws of 1959 and RCW 16.65.140 are each amended to read as follows:

~~((if the director finds that any licensee has used for purposes of his own any proceeds derived from the sale of livestock handled on a commission or agency basis; or any funds received for the purchase of livestock on a commission or agency basis; or any other funds which have come into his possession as an agent; such licensee shall thereafter deposit the gross proceeds received from the sale of livestock handled on a commission or agency basis in a separate bank account designated a "custodial account for consignor's proceeds"-))~~ Each licensee shall establish a custodial account for consignor's proceeds. All funds derived from the sale of livestock handled on a commission or agency basis shall be deposited in that account. Such account shall be drawn on only for the payment of net proceeds to the consignor, or such other person or persons of whom such licensee has knowledge is entitled to such proceeds, and to obtain from such proceeds only the sums due the licensee as compensation for his services as are set out in his tariffs, and for such sums as are necessary to pay all legal charges against the consignment of livestock which the licensee in his capacity as agent is required to pay for on behalf of the consignor or shipper. The licensee in each case shall keep such accounts and records that will at all times disclose the names of the consignors and the amount due and payable to each from the funds in the custodial account for consignor's proceeds. The licensee shall maintain the custodial account for consignor's proceeds in a manner that will expedite examination by the director and reflect compliance with the requirements of this section.

Sec. 5. Section 4, chapter 182, Laws of 1961 and RCW 16.65.200 are each amended to read as follows:

Before the license is issued to operate a public livestock market, the applicant shall execute and deliver to the director a surety bond in a sum as herein provided for, executed by the applicant as principal and by a surety company qualified and

authorized to do business in this state as surety. Said bond shall be a standard form and approved by the director as to terms and conditions. Said bond shall be conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this chapter and the rules and/or regulations adopted hereunder. Said bond shall be to the state in favor of every consignor and/or vendor creditor whose livestock was handled or sold through or at the licensee's public livestock market: PROVIDED, That if such applicant is bonded as a market agency under the provisions of the packers and stockyards act, (7 U.S.C. 181) as amended, on March 20, 1961, in a sum equal to or greater than the sum required under the provisions of this chapter, and such applicant furnishes the director with a bond approved by the United States secretary of agriculture naming the department as trustee, the director may accept such bond and its method of termination in lieu of the bond provided for herein and issue a license if such applicant meets all the other requirements of this chapter.

The total and aggregate liability of the surety for all claims upon the bond shall be limited to the face of such bond. Every bond filed with and approved by the director shall, without the necessity of periodic renewal, remain in force and effect until such time as the license of the licensee is revoked for cause or otherwise canceled. The surety on a bond, as provided herein, shall be released and discharged from all liability to the state accruing on such bond upon compliance with the provisions of RCW 19.72.110 concerning notice and proof of service, as enacted or hereafter amended, but this shall not operate to relieve, release or discharge the surety from any liability already accrued or which shall accrue (due and to become due hereunder) before the expiration period provided for in RCW 19.72.110 concerning notice and proof of service as enacted or hereafter amended, and unless the principal shall before the expiration of such period, file a new bond, the director shall forthwith cancel the principal's license.

Sec. 6. Section 21, chapter 107, Laws of 1959 and RCW 16.65.210 are each amended to read as follows:

The sum of the bond to be executed by an applicant for a public livestock market license shall be determined in the following manner:

(1) Determine the dollar volume of business carried on, at, or through, such applicant's public livestock market in the twelve-month period prior to such applicant's application for a license.

(2) Divide such dollar volume of business by the number of official sale days granted such applicant's public livestock market, as herein provided, in the same twelve-month period provided for in subsection (1).

(3) ((One half the sum determined by carrying out the provisions of subsections (1) and (2) shall be the sum of the bond the applicant shall execute in favor of the state: PROVIDED, That the sum of the applicant's bond shall at no time be in an amount less than five thousand dollars, nor greater than twenty five thousand dollars-)) Bond amount shall be that amount obtained by the formula in subsection (2) except that it shall not be an amount less than ten thousand dollars and if that amount shall exceed fifty thousand then that portion above fifty thousand shall be at the rate of ten percent of that value, except that the amount of the bond shall be to the nearest five thousand figure above that arrived at in the formula.

Sec. 7. Section 22, chapter 107, Laws of 1959 and RCW 16.65.220 are each amended to read as follows:

If the application for a license to operate a public livestock market is from a new public livestock market which has not operated in the past twelve-month period, the director shall determine a bond, in a reasonable sum, that the applicant shall execute in favor of the state, which shall not be less than ((five)) ten thousand dollars nor greater than twenty-five thousand dollars: PROVIDED, That the director may at any time, upon written notice, review the licensee's operations and determine whether, because of increased or decreased sales, the amount of the bond should be altered.

NEW SECTION. Sec. 8. Section 7, chapter 107, Laws of 1959 and RCW 16.65.070 are each repealed.

Passed the House March 18, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 193

[Engrossed House Bill No. 1072]

DISABLED VETERANS--

FREE MOTOR VEHICLE LICENSES

AN ACT Relating to veterans; providing for free motor vehicle licenses for certain disabled veterans; and amending section 1, chapter 178, Laws of 1949 as amended by section 1, chapter 206, Laws of 1951 and RCW 73.04.110.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 178, Laws of 1949 as amended by section 1, chapter 206, Laws of 1951 and RCW 73.04.110 are each amended to read as follows:

Any veteran who is a veteran of any war of the United States,