

give his written promise to appear in court as required by the citation and notice by signing in the appropriate place the written citation and notice served by the arresting officer. ~~((Upon the arrested person's failing or refusing to sign such written promise, he may be taken into custody of such arresting officer and so remain or be placed in confinement: PROVIDED, That))~~ An officer ~~((shall))~~ may not serve or issue any traffic citation or notice for any offense or violation except either when ~~((said))~~ the offense or violation is committed in his presence or when ~~((the citation and notice may be issued or served pursuant to RCW 46.64.017))~~ a person may be arrested pursuant to RCW 10.31.100, as now or hereafter amended. The detention arising from an arrest under this section may not be for a period of time longer than is reasonably necessary to issue and serve a citation and notice, except that the time limitation does not apply under any of the following circumstances:

(1) Where the arrested person refuses to sign a written promise to appear in court as required by the citation and notice provisions of this section;

(2) Where the arresting officer has probable cause to believe that the arrested person has committed any of the offenses enumerated in RCW 10.31.100(2), as now or hereafter amended.

Sec. 3. Section 46.64.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 56, Laws of 1975 and RCW 46.64.030 are each amended to read as follows:

The provisions of this title with regard to the apprehension and arrest of persons violating this title shall govern all police officers in making arrests without a warrant for violations of this title for offenses either committed in their presence or believed to have been committed based on probable cause ~~((stemming from investigation at the scenes of motor vehicle accidents))~~ pursuant to RCW ~~((46.64.017))~~ 10.31.100, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for other like offenses.

NEW SECTION. Sec. 4. Section 3, chapter 56, Laws of 1975 and RCW 46.64.017 are each repealed.

Passed the House March 29, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

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## CHAPTER 29

[House Bill No. 58]

### MOTION PICTURE FILMS—EXHIBITION RIGHTS—BIDDING AND NEGOTIATION PROCEDURES

AN ACT Relating to the exhibition of motion pictures; adding a new chapter to Title 19 RCW; and providing penalties.

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

NEW SECTION. Section. 1. The purpose of this chapter is to establish fair and open procedures for bidding and negotiation for the right to exhibit motion pictures in the state in order to prevent unfair and deceptive acts or practices and unreasonable restraints of trade in the business of motion picture distribution and exhibition within the state; to promote fair and effective competition in that business; and to insure that exhibitors have the opportunity to view a motion picture and know its contents before committing themselves to exhibiting the motion picture in their communities.

NEW SECTION. Sec. 2. The definitions contained in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bid" means a written or oral offer or proposal to buy made by an exhibitor to a distributor in response to an invitation to bid for the license or right to exhibit a motion picture, the license stating the terms under which the exhibitor agrees to exhibit the motion picture.

(2) "Blind bidding" means the exhibitor's bidding or negotiating for, or the exhibitor's offering or agreeing to, terms for the license or right to exhibit a feature motion picture at any time either before the feature motion picture has been trade screened within the state or before the feature motion picture has been otherwise made available for viewing within the state by all exhibitors.

(3) "Blind selling" means the practice whereby a distributor licenses a feature motion picture before the exhibitor is afforded an opportunity to view the feature motion picture by trade screening.

(4) "Buying" or "selling" of the right to exhibit a feature motion picture means the licensing of a theater to show the feature motion picture for a certain number of days for a certain price.

(5) "Distributor" means a person engaged in the business of distributing or supplying more than one feature motion picture per year to exhibitors by rental, sale, licensing, or other agreement.

(6) "Exhibit" or "exhibition" means playing or showing a feature motion picture to the public for an admission charge.

(7) "Exhibitor" means a person in the business of operating one or more theaters in which motion pictures are exhibited to the public.

(8) "Feature motion picture" means a motion picture exceeding sixty minutes in duration.

(9) "Invitation to bid" means a written or oral solicitation or invitation by a distributor to one or more exhibitors to bid or negotiate for the license or right to exhibit a feature motion picture.

(10) "Licensing agreement" means a contract, agreement, understanding, or condition between a distributor and an exhibitor relating to the licensing or exhibition of a feature motion picture by the exhibitor.

(11) "Person" means one or more individuals, firms, partnerships, associations, societies, trusts, organizations, or corporations.

(12) "Run" means the continuous exhibition of a feature motion picture in a defined geographic area for a specified period of time. A "first run" is the first exhibition of the feature motion picture in the defined area; a "second run" is the second exhibition; and "subsequent runs" are subsequent exhibitions after the second run. "Exclusive run" is a run limited to a single theater in a defined geographic area and a "nonexclusive run" is a run in more than one theater in a defined geographic area.

(13) "Theater" means an establishment in which feature motion pictures are regularly exhibited to the public for an admission charge.

(14) "Trade screening" means the exhibition of a feature motion picture, prior to its release for public exhibition by a distributor, in the largest city within the state, which is open to all exhibitors from whom the distributor intends to solicit bids or with whom the distributor intends to negotiate for the license or right to exhibit the feature motion picture.

NEW SECTION. Sec. 3. (1) The buying or selling of the right to exhibit a feature motion picture by blind bidding or blind selling is prohibited within the state.

(2) No bids may be returnable, no negotiations for the exhibition or licensing of a motion picture may take place, and no license agreement or any of its terms may be agreed upon, for the exhibition of a feature motion picture within the state before the feature motion picture has either been trade screened or otherwise made available for viewing by all exhibitors within the state.

(3) A distributor shall provide reasonable and uniform notice of the trade screening of feature motion pictures to those exhibitors within the state from whom bids will be solicited or with whom negotiations will be conducted for the license or right to exhibit the feature motion picture.

(4) A purported waiver of the prohibition in this chapter against blind bidding or blind selling is void and unenforceable.

NEW SECTION. Sec. 4. If bids are solicited from exhibitors for the licensing of a feature motion picture within the state, then:

(1) The invitation to bid shall specify: (a) Whether the run for which the bid is being solicited is a first, second, or subsequent run; whether the run is an exclusive or nonexclusive run; and, the geographic area for the run; (b) the names of all exhibitors who are being solicited; (c) the date and hour the invitation to bid expires; and (d) the time, date, and location, including the address, where the bids will be opened, which shall be within the state.

(2) All bids shall be submitted in writing and shall be opened at the same time and in the presence of those exhibitors, or their agents, who submitted bids and who attend the bid opening.

(3) Immediately upon being opened, the bids shall be subject to examination by the exhibitors, or their agents, who submitted bids, and who are present at the opening. Within ten business days after the bids are opened, the distributor shall notify each exhibitor who submitted a bid either the name of the winning bidder or the fact that none of the bids were acceptable.

(4) Once bids are solicited, the distributor shall license the feature motion picture only by bidding and may solicit rebids if none of the submitted bids are acceptable.

NEW SECTION. Sec. 5. Any person aggrieved by a violation of this chapter may bring a civil action in superior court to enjoin further violations or to recover the actual damages sustained, or both, together with the costs of the suit. In any such action, the court shall award reasonable attorneys' fees to the prevailing party.

NEW SECTION. Sec. 6. This chapter may be known and cited as the Washington motion picture fair competition act.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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## CHAPTER 30

[Substitute House Bill No. 78]

### SPECIAL PURPOSE DISTRICTS—OBSOLETE REFERENCES

AN ACT Relating to special purpose districts; amending section 35.73.060, chapter 7, Laws of 1965 and RCW 35.73.060; amending section 35A.56.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.56.010; amending section 35A.79.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.79.010; amending section 36.82.080, chapter 4, Laws of 1963 and RCW 36.82.080; amending section 2, chapter 189, Laws of 1967 and RCW 36.93.020; amending section 1, chapter 72, Laws of 1967 as amended by section 1, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.010; amending section 47.04.040, chapter 13, Laws of 1961 and RCW 47.04.040; amending section 7, chapter 65, Laws of 1955 and RCW 53.08.060; amending section 8, chapter 92, Laws of 1911 as amended by section 8, chapter 62, Laws of 1913 and RCW 53.20.030; amending section 1, chapter 87, Laws of 1941 and RCW 53.48.010; amending section 1, chapter 55, Laws of 1963 and RCW 57.90.010; amending section 26, chapter 232, Laws of 1957 as last amended by section 31, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.260; amending section 50, chapter 238, Laws of 1967 as amended by section 36, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.380; amending section 52, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.600; amending section 7, chapter 87, Laws of 1887 and RCW 78.08.040; amending section 6,