

change references to chapter 28A.45 RCW and its sections to refer to chapter 82.45 RCW and its sections.

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

(1) Section 10, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.111;

(2) Section 16, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.117; and

(3) Section 15, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.150.

NEW SECTION. Sec. 15. 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.

NEW SECTION. Sec. 16. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except for section 13 of this act which shall take effect September 1, 1981.

Passed the House April 16, 1981.

Passed the Senate April 23, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

## CHAPTER 149

[Substitute House Bill No. 184]

### BANKRUPTCY—FEDERAL, STATE EXEMPTIONS

AN ACT Relating to bankruptcy; amending section 5, chapter 64, Laws of 1895 as amended by section 1, chapter 44, Laws of 1909 and RCW 6.12.100; and amending section 344, page 88, Laws of 1869 as last amended by section 1, chapter 136, Laws of 1927 and RCW 6.16.080.

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

Section 1. Section 5, chapter 64, Laws of 1895 as amended by section 1, chapter 44, Laws of 1909 and RCW 6.12.100 are each amended to read as follows:

The homestead is subject to execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, materialmen's or vendor's liens upon the premises.

(2) On debts secured by mortgages on the premises executed and acknowledged by the husband and wife or by any unmarried claimant.

(3) On one spouse's or the community's debts existing at the time of that spouse's bankruptcy filing where (a) bankruptcy is filed by both spouses within a six-month period, including as a joint case under 11 U.S.C. Sec. 302, and (b) the other spouse exempts property from property of the estate under the federal exemption provisions of 11 U.S.C. Sec. 522(b)(1).

Sec. 2. Section 344, page 88, Laws of 1869 as last amended by section 1, chapter 136, Laws of 1927 and RCW 6.16.080 are each amended to read as follows:

Nothing in this chapter shall be so construed as to prevent the mortgaging of personal property which might be claimed as exempt, or the enforcement of such mortgage, nor to prevent the waiver of the right of exemption by failure to claim the same prior to sale under execution, and nothing in this chapter shall be construed to exempt from attachment or execution the personal property of a nonresident of this state, or a person who has left or is about to leave the state with the intention to defraud his creditors, or one spouse in a bankruptcy proceeding where (1) bankruptcy is filed by both spouses within a six-month period, including as a joint case under 11 U.S.C. Sec. 302, and (2) the other spouse exempts property from property of the estate under the federal exemption provisions of 11 U.S.C. Sec. 522(b)(1).

Passed the House April 2, 1981.

Passed the Senate April 21, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

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## CHAPTER 150

[House Bill No. 254]

### AUTOMOBILE INSURANCE—UNDERINSURED COVERAGE

AN ACT Relating to casualty insurance; amending section 27, chapter 150, Laws of 1967 as amended by section 1, chapter 117, Laws of 1980 and RCW 48.22.030; adding a new section to chapter 48.18 RCW; and providing an effective date.

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

Section 1. Section 27, chapter 150, Laws of 1967 as amended by section 1, chapter 117, Laws of 1980 and RCW 48.22.030 are each amended to read as follows:

(1) "Underinsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance, or use of which either no bodily injury or property damage liability bond or insurance policy applies at the time of an accident, or with respect to which the sum of the limits of liability under all bodily injury or property damage liability bonds and insurance policies applicable to a covered person after an accident is less than the applicable damages which the covered person is legally entitled to recover.