

of such other state to the effect that such officials have the authority to collect the taxes sought to be recovered by such action shall be conclusive proof of that authority. Conclusive proof.

SEC. 2. The term "taxes" as used herein shall include: "Taxes" included.

(1) Any and all tax assessments lawfully made whether they be based upon a return or other disclosure of the taxpayer, upon information and belief of the taxing authority, or otherwise; All tax assessments.

(2) Any and all penalties lawfully imposed pursuant to a tax statute; penalties.

(3) Interest charges lawfully added to the tax liability which constitutes the subject of the action. interest.

Passed the Senate February 16, 1951.

Passed the House March 5, 1951.

Approved by the Governor March 16, 1951.

CHAPTER 167.

[S. B. 269.]

LIMITED ACCESS HIGHWAY FACILITIES.

AN ACT relating to limited access highway facilities; extending the application of the limited access highway act to include certain highways, roads or streets; adding new sections to chapter 47.52, R.C.W.; amending sections 47.52.010, 47.52.020, 47.52.070 and 47.52.080, R.C.W.; validating certain acts of authorities in connection with highways; and declaring an emergency.

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

SECTION 1. There is added a new section to chapter 47.52, R.C.W., to read as follows: New section.

Unrestricted access to and from public highways has resulted in congestion and peril for the traveler. It has caused undue slowing of all traffic in many areas. The investment of the public in highway facil-

Declaration of policy.

ities has been impaired and highway facilities costing vast sums of money will have to be relocated and reconstructed. It is the declared policy of this state to limit access to the highway facilities of this state in the interest of highway safety and for the preservation of the investment of the public in such facilities.

[Chapter 47.52 R.C.W. is Rem. Supp. 1947, §§ 6402-60 to 6402-70 incl.]

Amendment.

SEC. 2. Section 47.52.010, R.C.W., as derived from section 1, chapter 202, Laws of 1947, is amended to read as follows:

"Limited access facility."

For the purposes of this chapter a "limited access facility" is defined as a highway or street especially designed or designated for through traffic, and over, from, or to which owners or occupants of abutting land, or other persons, have no right or easement, or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility, or for any other reason to accomplish the purpose of a limited access facility. Such highways or streets may be

Parkways.

parkways, from which trucks, buses, and other commercial vehicles shall be excluded; or they may be

Freeways.

freeways open to use by all customary forms of street and highway traffic.

[Am. Rem. Supp. 1947, § 6402-60.]

New section.

SEC. 3. There is added a new section to chapter 47.52, R.C.W., to read as follows:

"Existing highway."

For the purposes of this act, the term "existing highway" shall include all highways, roads and streets duly established, constructed, and in use. It shall not include new highways, roads or streets, or relocated highways, roads or streets, or portions of existing highways, roads or streets which are relocated.

[See note to section 1, *supra*.]

Amendment.

SEC. 4. Section 47.52.020, R.C.W., as derived from section 2, chapter 202, Laws of 1947, is amended to read as follows:

The highway authorities of the state, counties, and incorporated cities and towns, acting alone or in cooperation with each other, or with any federal, state, or local agency, or any other state having authority to participate in the construction and maintenance of highways, may plan, designate, establish, regulate, vacate, alter, improve, construct, maintain, and provide limited access facilities for public use wherever such authority or authorities are of the opinion that traffic conditions, present or future, will justify such special facilities: *Provided*, That within incorporated cities and towns, and upon county roads within counties, such authority or authorities shall be subject to the consent of the governing body.

Highway authorities; powers.

Consent of local governing body.

[Am. Rem. Supp. 1947 § 6402-61 (Through and including first sentence of first proviso) see also note to sec. 5 *infra*.]

SEC. 5. The second and third paragraphs of section 47.52.020, R.C.W., are designated a separate section, and amended to read as follows:

Amendment.

Such highway authorities of the state, counties, and incorporated cities and towns, in addition to the specific powers granted in this chapter, shall also have, and may exercise, relative to limited access facilities, any and all additional authority, now or hereafter vested in them relative to highways or streets within their respective jurisdictions, and may regulate, restrict, or prohibit the use of such limited access facilities by the various classes of vehicles or traffic in a manner consistent with section 47.52.010.

Highway authorities; additional powers.

[R.C.W. 47.52.010 appears as sec. 2, *supra*, this chapter.]

[2nd and 3rd para. of R.C.W. 47.52.020 are derived from Rem. Supp. 1947, § 6402-61 (second sentence of first proviso to end of section).]

SEC. 6. There is added a new section to chapter 47.52, R.C.W., to read as follows:

New section.

No existing highway, road or street, or portion of an existing highway, road or street may be established as a limited access facility until the owners or reputed owners of the abutting property of the section affected, as indicated in the tax rolls of the

Establishment of existing highway, road, or street, as limited access facility.

Notice.

county be given notice of such proposal and an opportunity to be heard thereon. Such notice shall be served upon such owners or reputed owners by United States mail in writing and shall designate the existing highway, road or street or portion thereof, which it is proposed shall be designated as a limited access facility and shall set a time for hearing as to such proposal which time shall be not less than thirty days after mailing of such notice. Such notice shall indicate a suitable location in the county affected where plans for such proposal may be inspected by any party affected or their representatives. When the owners of abutting property are unknown or cannot be located, such notice may be served by publication in the county or by posting a copy thereof at some conspicuous place upon the right-of-way or proposed right-of-way of such highway, road or street where it abuts upon the property of such owners. Notice given as herein provided shall be deemed sufficient as to any owner or reputed owner or to any unknown owner or owner who cannot be located for all purposes under this chapter.

Service on
unknown
owners.

[See note to section 1.]

SEC. 7. There is added to chapter 47.52, R.C.W., a new section to read as follows:

Hearing.

At such hearing the members of such authority shall preside, or may designate some suitable person to preside as examiner. All testimony or statements given at such hearing shall be taken down by a stenographer under oath, as in superior courts. Any person desiring to be heard must first enter an appearance. The authority shall introduce by competent witness a summary of the proposal for the establishment of a limited access facility and any evidence that may be proper as to the public convenience and necessity for such facility. At the conclusion of such evidence, any persons entering an appearance may introduce, either in person or by counsel, evidence

Evidence
recorded.

Appearance.

Summary of
authority's
proposal.

and statements or counterproposal bearing upon the reasonableness of the proposal. Any counterproposal shall receive reasonable consideration by the authority before any proposal is adopted. Such evidence must be material to the issue before the authority and shall be presented in an orderly manner. The authority shall have power to find any person guilty of contempt who shall act in a disorderly manner at any such hearing and shall report such contempt to the county prosecuting attorney who shall proceed against such person as for contempt of the superior court.

[See note to section 1.]

SEC. 8. There is added a new section to chapter 47.52, R.C.W., to read as follows:

At the conclusion of such hearing the authority shall consider the evidence taken at such hearing and shall make specific findings in the case of each abutting ownership as to whether such proposal to establish such existing highway, road or street, or portion thereof, as a limited access facility is required by the public convenience and necessity. It may order the adoption of such proposal or counterproposal in entirety or in part, or may modify or reject any proposal. Its findings of order shall be in writing and copies thereof shall be served by United States mail upon all persons entering an appearance at such hearing. Such determination shall become final within thirty days after such mailing as to all the abutting property affected unless a review is taken as hereinafter provided by any individual owner of abutting property who was a party. In case of an appeal, the order shall be final as to the property of all abutting owners not appealing.

[See note to section 1.]

SEC. 9. There is added a new section to chapter 47.52, R.C.W., to read as follows:

Review.

Any party to such hearing may petition for review in the superior court of Thurston County of any portion of such findings and order which affects property owned by him and may appeal from such superior court to the supreme court. If more than one owner desires a review, the court in its discretion may consolidate all cases in one proceeding. Such review and any appeal therefrom shall be considered and disposed of by said courts upon the record of the authority in the manner, under the conditions, and subject to the limitations, and with the effect specified in the public service commission law of this state, as amended.

Appeal.

Consolidation of cases.

Procedure for review and appeal.

[See note to section 1.]

Amendment.

SEC. 10. Section 47.52.070, R.C.W., as derived from section 6, chapter 202, Laws of 1947, is amended to read as follows:

Designation or establishment to be entered.

The designation or establishment of a limited access facility shall, by the authority making the designation or establishment, be entered upon the records or minutes of such authority in the customary manner for the keeping of such records or minutes. The state, counties and incorporated cities and towns may provide for the elimination of sections [intersections] at grade of limited access facilities with existing state or county roads, and with city or town streets, by grade separation or service road, or by closing off such roads and streets at the right-of-way boundary line of such limited access facility; and after the establishment of any such facility, no highway or street which is not part of said facility, shall intersect the same at grade. No city or town street, county road, or state highway, or any other public or private way, shall be opened into or connect with any such limited access facility without the consent and previous approval of the highway authority of the state, county, incorporated city or town having jurisdiction over such limited access facility. Such

Elimination of intersections at grade.

Connection with facility; consent of authority required for.

consent and approval shall be given only if the public interest shall be served thereby.

[Am. Rem. Supp. 1947, § 6402-65.]

SEC. 11. Section 47.52.080, R.C.W., as derived from section 7, chapter 202, Laws of 1947, is amended to read as follows:

No public highway, road or street shall be constructed as a limited access facility except upon the waiver, purchase, or condemnation of the abutting owner's right of access thereto as herein provided. In cases involving existing highways, if the abutting property is used for business at the time the notice is given as provided in section 6 hereof, the owner of such property shall be entitled to compensation for the loss of adequate ingress to or egress from such property as business property in its existing condition at the time of the notice provided in section 6 hereof as for the taking or damaging of property for public use.

[Am. Rem. Supp. 1947, § 6402-66.]

SEC. 12. Any prior determinations of an authority establishing a limited access facility subsequent to the effective date of chapter 202, Laws of 1947, in connection with new highways, roads or streets, or relocated highways, roads or streets, or portions of existing highways, roads or streets which are relocated, and all acquirements of property or access rights in connection therewith are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power (other than constitutional) of such authority, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings.

SEC. 13. 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.

Passed the Senate February 19, 1951.

Passed the House March 6, 1951.

Approved by the Governor March 16, 1951.

CHAPTER 168.

[S. B. 288.]

REGULATION OF MATERNITY HOMES.

AN ACT relating to licensing and regulation of maternity homes; providing for penalties; and repealing chapter 18.46, R.C.W.

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

Declaration
of purpose.

SECTION 1. The purpose of this act is to provide for the development, establishment, and enforcement of standards for the maintenance and operation of maternity homes, which, in the light of advancing knowledge, will promote safe and adequate care and treatment of the individuals therein.

"Maternity
Home."

SEC. 2. (1) "Maternity home" means any home, place, hospital or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery: *Provided, however,* That this act shall not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association or its successor.

Exclusion.

"Person."

(2) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

"Depart-
ment."

(3) "Department" means the state department of health.

"Board."

(4) "Board" means the state board of health.