

CHAPTER 282.

[S. B. 420.]

COMIC BOOKS.

AN ACT relating to comic books; regulating their distribution and sale; prohibiting distribution and sale of certain crime comic books to minors; providing penalties.

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

SECTION 1. The publication, sale and distribution of crime comic books is a basic factor in impairing the moral and mental health of minors. Such publication, sale and distribution, being detrimental to the ethical development of minors, contributes to their delinquency and is a source of crime. Therefore the legislature hereby finds and declares that the provisions hereinafter enacted are essential to the public interest.

Publication, sale and distribution of comic books; effect of.

SEC. 2. This act shall be deemed an exercise of the police power of the state for the protection of the welfare, mental health, peace, morals and safety of the people of the state, and all its provisions shall be liberally construed for the accomplishment of that purpose.

Exercise of police power.

Liberal construction.

SEC. 3. For the purposes of this act the following words shall have the following definitions:

Definitions.

(1) "Wholesale" means a sale by a publisher, wholesale dealer, distributor or jobber to a person who sells, or intends to sell direct to the user; "wholesale dealer" means a publisher, wholesale dealer, distributor or jobber;

"Wholesale" defined.

(2) "Retail" means a sale to the ultimate user; and "retail dealer" means a person who sells to the ultimate user, but who receives a portion of the comic books he sells from unlicensed wholesale dealers, or from wholesale dealers outside the state;

"Retail" defined.

(3) "Dealer" means any wholesale or retail dealer;

"Dealer" defined.

“Comic book” defined.

(4) “Comic book” means any book, magazine or pamphlet, sold or distributed for profit, a major part of which consists of drawings depicting or telling a story of a real or fanciful event or series of events, with a substantial number of said drawings setting forth the spoken words of the characters with pointers, or brackets, or enclosures, or by such other means as will plainly indicate the character speaking such words: *Provided, however,* That no comic section of any regularly published daily or weekly newspaper shall be deemed to be a “comic book” for the purposes of this act;

“Supervisor” defined.

(5) “Supervisor” means the supervisor of children and youth services.

License requirement.

Violation is misdemeanor.

Gross misdemeanor. Felony.

SEC. 4. It shall be unlawful for any person, firm or corporation to sell or have in his possession with intent to sell, any comic book which would appeal to, or be likely to be read or looked at by minors under the age of eighteen, at wholesale or retail, without having a valid and subsisting wholesale dealer’s or retail dealer’s license; or for any licensed wholesale dealer to make any sale, other than at wholesale; or for any licensed retail dealer to make any sale other than at retail. Any dealer violating this section shall be guilty of a misdemeanor. Upon a second conviction for such violation, the dealer shall be punished as for a gross misdemeanor, and upon a third conviction as for a felony.

Presumption.

SEC. 5. For the purposes of this act, all comic books shall be presumed to be appealing to and likely to be read or looked at by minors under the age of eighteen. This presumption may not be overcome by statements to the effect that the comic book was not intended for juveniles under the age of eighteen years.

Wholesale dealer’s license fee.

SEC. 6. The fee for a wholesale dealer’s license shall be one hundred dollars, and the fee for a

retail dealer's license shall be one dollar. A separate license shall be required for each store, warehouse, or place of business from which sales are made.

Retail dealer's license fee.

SEC. 7. No dealer shall print, publish, design, prepare, import, distribute, exhibit, display, sell or possess with intent to sell, or offer to sell any comic book appealing to or likely to be read or looked at by minors under the age of eighteen years which is obscene or indecent; or which is devoted to the publication or exploitation of fictional or actual deeds of violent bloodshed, lust, crime or immorality by characters depicted either as real or fanciful, human or inhuman, so massed as reasonably to tend to incite minors to violence or depraved or immoral acts against the person.

Prohibition as to type of comic books.

SEC. 8. No wholesale dealer shall as a condition to a sale or delivery for resale of any paper, magazine, book, periodical or publication require that the purchaser or consignee receive for resale any comic book appealing to or likely to be read or looked at by minors under the age of eighteen years.

Limitation on wholesale dealer.

SEC. 9. Any dealer who sells or distributes commercially or has in his possession with intent to sell, distribute commercially, or who otherwise offers for sale or commercial distribution any comic book appealing to or likely to be read or looked at by minors under the age of eighteen years, which is devoted to the publication and exploitation of fictional or actual deeds of violent bloodshed, lust, crime or immorality by characters depicted either as real or fanciful, human or inhuman, so massed as reasonably to tend to incite minors to violence or depraved or immoral acts against the person, shall be guilty of a misdemeanor. Upon a second conviction for violation of this section, the dealer shall be punished as for a gross misdemeanor, and upon a third conviction as for a felony.

Violation is misdemeanor; gross misdemeanor, and felony.

Supervisors right to refuse issuance of license or revoke or suspend.

SEC. 10. Subject to the following limitations, the supervisor may refuse to issue a dealer a license, or may suspend or revoke such license, whenever he shall find that the dealer has violated any of the provisions of this act or of RCW 9.68.010. This shall be in addition to any penalties imposed by the court. For the first offense, the license may be suspended for not more than one year; for the second offense, for not less than six months nor more than two years; for the third offense, for not less than one year nor more than three years. For the fourth offense, the license may be permanently revoked. For the purpose of this section, all violations occurring the same calendar week shall be deemed a single offense.

Violations in calendar week, single offense.

Upon complaint supervisor calls hearing.

SEC. 11. Upon receipt of a complaint or other information by the supervisor that an applicant should not be licensed or that a dealer has violated any of the provisions of this act, he may call a hearing to give the person affected an opportunity to show cause why his application for license should not be refused or why his license should not be revoked or suspended. Notice of the hearing shall be given in writing by registered mail to the holder or applicant for such license and shall designate a time and place for the hearing before the supervisor which shall be not less than ten days from the date of the notice. The supervisor may require the attendance of any witnesses or documents by issue of subpoenas, and shall make a record of all proceedings and testimony. Should the supervisor decide that an existing license should be suspended or revoked or that an application for issuance of a license should be denied the applicant or licensee may, within thirty days from the date of the decision of the supervisor, appeal to the superior court of the county of the aggrieved person's residence for a review of the record of the decision, filing a notice of appeal with the clerk of

Notice of hearing given.

Supervisor's decision.

Right of appeal to superior court.

Notice of appeal filed.

the superior court and at the same time filing a copy of such notice with the supervisor. On receipt of such notice, the supervisor shall prepare, certify and forward to the court the record of the proceedings. No license may be revoked or suspended and no application for license may be denied without a prior hearing held as herein provided.

Record of proceedings prepared, certified and forwarded to court.

SEC. 12. The supervisor shall refuse to issue a wholesale dealer's license to any applicant, or if the license has already been granted, shall revoke the same, if it shall appear that any wholesale dealer, whose license has been revoked or suspended, has a beneficial interest in the business of the applicant, or if it shall appear that the applicant is the successor in interest to all or a part of the business and good will of a wholesale dealer, whose license has been revoked or suspended.

Supervisor to refuse issuance of wholesale dealer's license to applicant.

SEC. 13. Each wholesale dealer, within ten days after distributing any issue of any comic book to any retail dealer, shall supply three copies of each such issue to the supervisor. Any person purchasing any issue of any comic book from a source outside the state shall, in a similar manner, submit three copies thereof to the supervisor prior to retail sale.

Wholesale dealer to supply copies of comic book to supervisor.

Out-of-state source purchases.

SEC. 14. The supervisor of children and youth services shall, with the advice and guidance of the council for children and youth, enforce the provisions of this act and shall, with the advice and guidance of the council for children and youth, adopt reasonable rules and regulations to carry this act into effect. The appointment of personnel to assist in the administration of this act shall be done in accordance with the provisions of RCW 43.19.290 through 43.19.360.

Supervisor of children and youth services shall enforce act.

SEC. 15. If any section or provision of the act shall be adjudged to be invalid, such adjudication shall not affect the validity of the act as a whole or

Invalidity.

any section, provision or part thereof not adjudged to be invalid.

Passed the Senate March 3, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 18, 1955.

CHAPTER 283.

[S. B. 498.]

MOTOR VEHICLES—DEALER LICENSE PLATES.

AN ACT relating to the use of dealer license plates; and amending section 10, chapter 150, Laws of 1951 and RCW 46.70.090.

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

Amendment.

SECTION 1. Section 10, chapter 150, Laws of 1951 and RCW 46.70.090 are each amended to read as follows:

Dealer license plate displayed.

The dealer license plate shall be displayed upon every vehicle demonstrated by such dealer whenever the same is operated upon any public highway in this state, and on such vehicles as may be actually owned by the dealer and used by members or employees of his firm for the purposes for which said dealer license was actually issued. Dealer license plates shall not be used upon any vehicle for the transportation of any person, produce, freight or commodities, except there shall be permitted the use of such dealer license plates on a vehicle transporting commodities in course of demonstration over a period not to exceed seventy-two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration: *Provided*, That nothing herein shall be interpreted in such manner as to prevent a dealer from moving, by vehicle bearing a dealer license plate, another vehicle or vehicles upon which the

Limitation on use of vehicle whereon dealer license plates are displayed.

Proviso.