

(3) "Scene of an emergency" means the scene of an accident or other sudden or unexpected event or combination of circumstances which calls for immediate action.

Passed the House April 17, 1989.

Passed the Senate April 10, 1989.

Approved by the Governor May 3, 1989.

Filed in Office of Secretary of State May 3, 1989.

CHAPTER 224

[Substitute Senate Bill No. 5591]

RIGHTS OF WAY—UNFRANCHISED USE—PENALTIES

AN ACT Relating to franchises on highway rights-of-way; amending RCW 47.44.060 and 47.04.090; and prescribing penalties.

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

Sec. 1. Section 47.44.060, chapter 13, Laws of 1961 and RCW 47.44-.060 are each amended to read as follows:

(1) Any person, firm, or corporation who (~~shall~~) constructs or maintains on, over, across, or along any state highway any water pipe, flume, gas pipe, telegraph, telephone, electric light, or power lines, or tram or railway, or any other such facilities, without having first obtained and having at all times in full force and effect a franchise or permit to do so in the manner provided by law (~~shall be~~) is guilty of a misdemeanor (~~and~~). Each day of violation (~~shall be~~) is a separate and distinct offense.

(2) Any person, firm, or corporation who constructs or maintains on, over, across, or along any state highway any water pipe, flume, gas pipe, telegraph, telephone, electric light or power lines, or tram or railway, or any other such facilities, without having first obtained and having at all times in full force and effect a franchise or permit to do so in the manner provided by law is liable for a civil penalty of one hundred dollars per calendar day beginning forty-five days from the date notice is given and until application is made for a franchise or permit or until the facility is removed as required by notice. The state shall give notice by certified mail that a franchise or permit is required or the facility must be removed and shall include in the notice sufficient information to identify the portion of right of way in question. Notice is effective upon delivery.

(3) If a person, firm or corporation does not apply for a permit or franchise within forty-five days of notice given in accordance with subsection (2) of this section or the state determines that the facility constructed or maintained without a permit or franchise would not be granted a permit or franchise, the state may order the facility to be removed within such time period as the state may specify. If the facility is not removed, the state, in

addition to any other remedy, may remove the facility at the expense of the owner.

Sec. 2. Section 47.04.090, chapter 13, Laws of 1961 and RCW 47.04-.090 are each amended to read as follows:

It (~~shall be~~) is a misdemeanor for any person to violate any of the provisions of this title unless (~~such violation is~~) specifically provided otherwise by this title or other law of this state (~~declared to be a felony or a gross misdemeanor~~).

Unless another penalty is provided in this title (~~provided~~), every person convicted of a misdemeanor for violation of any provisions of this title shall be punished (~~accordingly~~) in accordance with chapter 9A.20 RCW.

Passed the Senate April 17, 1989.

Passed the House April 12, 1989.

Approved by the Governor May 3, 1989.

Filed in Office of Secretary of State May 3, 1989.

CHAPTER 225

[House Bill No. 1060]

STATE AND LOCAL GOVERNMENT BONDS—INFORMATION REQUIREMENTS

AN ACT Relating to bond information; amending RCW 39.44.200, 39.44.210, 39.44.230, 39.44.240, and 43.63A.155; and repealing RCW 39.44.220.

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

Sec. 1. Section 5, chapter 130, Laws of 1985 as amended by section 12, chapter 297, Laws of 1987 and RCW 39.44.200 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 39.44.200 through 39.44.240.

(1) "Bond" means "bond" as defined in RCW 39.46.020, but also includes any other indebtedness that may be issued by any local government to fund private activities or purposes where the indebtedness is of a nonrecourse nature payable from private sources.

(2) "Local government" means "local government" as defined in RCW 39.46.020.

(3) "Type of bond" includes: (a) General obligation bonds; (b) revenue bonds; (c) local improvement district bonds; (d) special assessment bonds such as those issued by irrigation districts and diking districts; and (e) other classes of bonds.

(4) "State" means "state" as defined in RCW 39.46.020 but also includes any commissions or other entities of the state.

Sec. 2. Section 1, chapter 130, Laws of 1985 and RCW 39.44.210 are each amended to read as follows: