

continuing part of and shall ratify and validate the pre-election action as to such salary adjustment.

Passed the Senate May 1, 1975.

Passed the House April 30, 1975.

Approved by the Governor May 8, 1975.

Filed in Office of Secretary of State May 8, 1975.

CHAPTER 33

[House Bill No. 104]

STATE MOTOR VEHICLES— OFFICIAL USE

AN ACT Relating to state employees; and adding a new section to chapter 43.01 RCW.

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

NEW SECTION. Section 1. There is added to chapter 43.01 RCW a new section to read as follows:

Notwithstanding any other provision of law, whenever any state agency, institution of higher education, or other appointing authority is empowered to employ or appoint administrators or other personnel and to fix their compensation, such power, in the absence of a specific contrary statutory authorization to the agency, institution of higher education, or appointing authority, shall not extend to the power to provide a state owned or leased motor vehicle for any use other than official state business.

Passed the House March 14, 1975.

Passed the Senate May 2, 1975.

Approved by the Governor May 12, 1975.

Filed in Office of Secretary of State May 12, 1975.

CHAPTER 34

[Substitute House Bill No. 177]

ALL-TERRAIN VEHICLES—MOTOR VEHICLE FUEL TAX REVENUE DISTRIBUTION

AN ACT Relating to all-terrain vehicles; amending section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 3, chapter 144, Laws of 1974 ex. sess. and RCW 46.09.170; repealing section 21, chapter 47, Laws of 1971 ex. sess., section 14, chapter 153, Laws of 1972 ex. sess., section 2, chapter 144, Laws of 1974 ex. sess. and RCW 46.09.160; creating a new section; declaring an emergency; and providing an effective date.

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

Section 1. Section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 3, chapter 144, Laws of 1974 ex. sess. and RCW 46.09.170 are each amended to read as follows:

From time to time, but at least once each biennium, the director of the department of motor vehicles shall request the state treasurer to refund from the motor vehicle fund (~~amounts which have been determined to be the tax on fuel used and purchased for providing the motive power for all-terrain vehicles, but~~

which shall in no event exceed)) one percent of the motor vehicle fuel tax revenues collected pursuant to chapter 82.36 RCW ((for the 1973-75 biennium)), less proper deductions for refunds and costs of collection as provided in RCW 46.68-.090. The treasurer shall refund and place such amounts in the outdoor recreation account of the general fund to be administered by the interagency committee for outdoor recreation, and such amounts shall be distributed to departments of state government, to counties, and to municipalities on a basis determined by the amount of present or proposed ATV trails or areas on which they permit ATV use. Such distribution shall be reviewed and may be revised by the committee at least once each biennium. These moneys shall be expended by each agency only for all-terrain vehicle trail and area related expenses.

NEW SECTION. Sec. 2. Amounts transferred to the outdoor recreation account pursuant to chapter 46.09 RCW may be used for the necessary administrative and coordinative expenditures of the interagency committee for outdoor recreation in carrying out the provisions of RCW 46.09.110 and 46.09.170.

NEW SECTION. Sec. 3. Section 21, chapter 47, Laws of 1971 ex. sess., section 14, chapter 153, Laws of 1972 ex. sess., section 2, chapter 144, Laws of 1974 ex. sess. and RCW 46.09.160 are each hereby repealed.

NEW SECTION. Sec. 4. This 1975 amendatory 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 July 1, 1975.

Passed the House March 25, 1975.

Passed the Senate May 2, 1975.

Approved by the Governor May 12, 1975.

Filed in Office of Secretary of State May 12, 1975.

CHAPTER 35

[Substitute House Bill No. 246]

MEDICAL MALPRACTICE ACTIONS— PLAINTIFF'S BURDEN OF PROOF

AN ACT Relating to civil procedure; and adding a new section to chapter 4.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4.24 RCW a new section to read as follows:

In any civil action for damages based on professional negligence against a hospital which is licensed by the state of Washington or against the personnel of any such hospital, or against a member of the healing arts including, but not limited to, a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, a chiropractor licensed under chapter 18.25 RCW, a dentist licensed under chapter 18.32 RCW, a podiatrist licensed under chapter 18.22 RCW, or a nurse licensed under chapters 18.78 or 18.88 RCW, the plaintiff in order to prevail shall be required to prove by a preponderance of the evidence that the defendant or defendants failed to exercise that degree of skill, care and learning possessed by other persons in the same profession and that as a proximate result of such failure the plaintiff suffered damages, but in no event